

# West Linn Police Department

West Linn PD Policy Manual

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## **CRIMINAL JUSTICE CODE OF ETHICS**

As a criminal justice officer, my fundamental duty is to serve humankind; to safeguard lives and property; to protect all persons against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. Without compromise and with relentlessness, I will uphold the laws affecting the duties of my profession courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize my position as a symbol of public faith, and I accept it, as a public trust to be held so long as I am true to the ethics of The Criminal Justice System. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.

# West Linn Police Department

West Linn PD Policy Manual

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## **WEST LINN POLICE DEPARTMENT MISSION**

### **Mission.**

The West Linn Police Department is committed to providing superior police services by enhancing the quality of life to the West Linn Community through dedication, collaboration and innovation.

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## **Chapter 1 - Law Enforcement Role and Authority**

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# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the West Linn Police Department to perform their functions based on established legal authority.

## 100.2 PEACE OFFICER POWERS

Peace officers are granted authority by Oregon Revised Statutes to prevent and deter crime; arrest offenders; issue citations in lieu of custody; take custody of evidence of a crime, contraband or recovered stolen property; control the flow of traffic and preserve the peace and safety of the public.

Sworn members of this [department/office] are peace officers pursuant to ORS 161.015. Peace officer authority extends to any place in the State of Oregon.

### 100.2.1 AUTHORITY TO ARREST

Pursuant to ORS 133.235:

- (a) A peace officer may arrest a person for a crime at any hour of any day or night.
- (b) A peace officer may arrest a person for a crime, pursuant to ORS 133.310(1), whether or not such crime was committed within the geographical area of the peace officer's employment, and the peace officer may make the arrest within the state, regardless of the situs of the offense.
- (c) The peace officer shall inform the person to be arrested of the peace officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the peace officer encounters physical resistance, flight, or other factors rendering this procedure impracticable, in which case the arresting peace officer shall inform the arrested person and show the warrant, if any, as soon as practicable.
- (d) In order to make an arrest, a peace officer may use physical force as justifiable under 2020 Oregon Laws c. 3, § 7, 2020 Oregon Laws c. 3, § 8, and ORS 161.245.
- (e) In order to make an arrest, a peace officer may enter premises in which the peace officer has probable cause to believe the person to be arrested to be present.
- (f) If after giving notice of the peace officer's identity, authority, and purpose, the peace officer is not admitted, the peace officer may enter the premises, and by a breaking, if necessary.
- (g) A person may not be arrested for a violation except as provided by ORS 153.039 and ORS 810.410.

## 100.3 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Oregon Constitutions.



# West Linn Police Department

## West Linn PD Policy Manual

### *Law Enforcement Authority*

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#### **100.4 POLICY**

It is the policy of the West Linn Police Department to limit its members to only exercise the authority granted to them by law.

Officers are encouraged to use sound discretion in the enforcement of the law. This [department/office] does not tolerate abuse of law enforcement authority.

#### **100.5 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters California, Idaho or Nevada in fresh pursuit of a person who the officer has probable cause to believe has committed a felony (Penal Code § 852.2 (California); Idaho Code 19-701 (Idaho); NRS 171.158 (Nevada)).
- (c) When an officer enters Washington while in pursuit of a person the pursuing officer has probable cause to believe has committed a felony; or violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired or reckless driving (RCW 10.89.010).

Whenever an officer makes an arrest in California, Idaho, Nevada or Washington, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Penal Code § 852.3; Idaho Code 19-702; NRS 171.158; RCW 10.89.020).

## Public Safety Certification

### 102.1 PURPOSE AND SCOPE

The Department of Public Safety Standards and Training requires that all sworn law enforcement officers, telecommunicators and emergency medical dispatchers employed within the State of Oregon receive certification within 18 months of appointment. Corrections officers are required to receive certification within 12 months of appointment (OAR 259-008-0060).

### 102.2 BASIC CERTIFICATION

The Department of Public Safety Standards and Training requires that all sworn law enforcement officers and [dispatcher]s employed within the State of Oregon receive certification within 18 months of appointment. Corrections officers are required to receive certification within 12 months of appointment (OAR 259-008-0060).

#### 102.2.1 SUPERVISORS AND MANAGERS

In addition to basic certification, supervisors and mid-level managers are expected to meet the qualifications for supervisory or management level certification, respectively, within two years of each appointment (OAR 259-008-0060).

#### 102.2.2 CHIEF EXECUTIVE OFFICER

In addition to the basic certification, executive officers should obtain a Department of Public Safety Standards and Training (DPSST) Executive certificate within two years of hire as a condition of employment (OAR 259-008-0060).

#### 102.2.3 POLICE OFFICER CERTIFICATION

Police Officers are required to attain their Basic Police Certification issued by the State of Oregon through the Department of Police Standards and Training (DPSST), and attend the Basic Police Academy, or Career Officer Development Academy if required within the first year of employment with the City.

In addition to their Basic Police Certification, officers must maintain certifications in the Law Enforcement Data System (LEDS), and First Aid.

### 102.3 MAINTENANCE OF CERTIFICATION

In order to maintain certification, all active peace officers are required to meet on-going training requirements as specified in OAR 259-008-0064 or OAR 259-008-0065.

Active peace officers who hold Supervisory, Management or Executive certification must complete at least 24 hours of department-approved Leadership/Professional training every three years, as part of the on-going training required for all peace officers (OAR 259-008-0065).

### 102.4 MAINTENANCE OF CERTIFICATION

In order to maintain certification, all active law enforcement officers and [dispatcher]s are required to meet on-going training requirements as specified in OAR 259-008-0064 or OAR 259-008-0065.

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## *Public Safety Certification*

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Active police officers who hold Supervisory, Management or Executive certification must complete at least 24 hours of [department/office]-approved Leadership/Professional training every three years, as part of the on-going training required for all peace officers (OAR 259-008-0065).

# Oath of Office

## 104.1 PURPOSE AND SCOPE

Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

## 104.2 LAW ENFORCEMENT CODE OF ETHICS

All personnel of the West Linn Police Department are required to subscribe and adhere to the Law Enforcement Code of Ethics as presented in the introduction to this Policy Manual.

## 104.3 OATH OF OFFICE

All [department/office] members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. The form of oath should be as follows:

"I, (state name), do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and the laws therefore and rules and regulations of the West Linn Police Department, and I will faithfully, honestly and impartially discharge the duties of (position about to assume) during my continuance therein, to the best of my ability, so help me God."

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear," and the words "so help me God" may be omitted.

### 104.3.1 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule.

### 104.3.2 CRIMINAL JUSTICE CODE OF ETHICS

All members of the West Linn Police Department are required to subscribe and adhere to the Criminal Justice Code of Ethics as presented in the introduction to this Policy Manual.

## 104.4 POLICY

It is the policy of the West Linn Police Department that, when appropriate, [department/office] members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the [Department/Office] and the dedication of its members to their duties.

# Chief Executive Officer

## **105.1 PURPOSE AND SCOPE**

All law enforcement Chief Executive Officers employed within the State of Oregon are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the West Linn Police Department, who is required to exercise the powers and duties of the office as prescribed by state law (OAR 259-008-0060).

## **105.2 POLICY**

It is the policy of the West Linn Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

## **105.3 CHIEF OF POLICE REQUIREMENTS**

The Chief of Police of this [department/office], as a condition of employment, should have, within two years of appointment, successfully obtained Executive certification through the Department of Public Safety Standards and Training (DPSST) and be licensed by DPSST.

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# Policy Manual

## 106.1 PURPOSE AND SCOPE

The manual of the West Linn Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this [department/office]. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

### 106.1.1 DISCLAIMER

The provisions contained in this Policy Manual are not intended to create an employment contract, nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the West Linn Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The West Linn Police Department reserves the right to revise any policy content, in whole or in part.

## 106.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this [department/office] under the circumstances reasonably available at the time of any incident.

### 106.2.1 CHIEF OF POLICE

The Chief of Police shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Interim Directives which shall modify those provisions of the manual to which they pertain. Interim Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

### 106.2.2 STAFF

Staff shall consist of the following:

- Chief of Police
- Division Commanders (Captains)
- Assistant to the Chief of Police
- Sergeants

# West Linn Police Department

## West Linn PD Policy Manual

### *Policy Manual*

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The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

#### 106.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, through channels to their Division Commander who will consider the recommendation and forward to staff.

#### 106.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Interim Directives, which shall modify those provisions of the manual to which they pertain. Interim Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

#### 106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Interim Directive may be abbreviated as "ID."
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X."

#### 106.3.2 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

**Adult** - A person 18 years of age or older.

**CFR** - Code of Federal Regulations

**Child Welfare** - Department of Human Services, Child Welfare.

**City** - The City of West Linn

**Department /WLPD** - The West Linn Police Department

**DHS** - Department of Human Services

**DMV** - The Department of Motor Vehicles

**Employee/Personnel** - Any person employed by the Department.

**K-9** - Canine

**Juvenile** - Any person under the age of 18 years.

**Manual** - The West Linn Police Department Policy Manual

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person who is employed or appointed by the West Linn Police Department, including sworn officers, reserve officers, non-sworn employees and volunteers.

# West Linn Police Department

## West Linn PD Policy Manual

### *Policy Manual*

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**OAR** - The Oregon Administrative Rules

**Officer/Sworn** - Those employees, regardless of rank, who are sworn employees of the West Linn Police Department.

**On-Duty** - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**ORS** - The Oregon Revised Statutes

**OSP** - The Oregon State Police

**Rank** - The job classification title held by an officer.

**Shall or Will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis of failing to conform.

**USC** - United States Code

#### 106.3.3 DISTRIBUTION OF MANUAL

A computerized version of the Policy Manual will be made available on the Department network for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from the Chief of Police.

#### 106.4

##### 106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet 'P' drive under the title Recent Policy Manual Revisions. The Administrative Division Commander, or his designee, will forward revisions to Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

Each division commander will ensure that employees under his/her command are aware of any Policy Manual revisions.

#### 106.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the [department/office] network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Interim Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.



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West Linn PD Policy Manual

## *Policy Manual*

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### **106.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **106.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All [department/office] members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

## **Chapter 2 - Organization and Administration**

# Organizational Structure, Jurisdiction and Responsibility

## 200.1 PURPOSE AND SCOPE

This Chapter establishes jurisdiction and organization of the West Linn Police Department. The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

## 200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the West Linn Police Department. There are two divisions in the Police Department as follows:

- Administration/ Investigations Division
- Patrol Operations Division

### 200.2.1 ADMINISTRATION/ INVESTIGATION DIVISION

The Administration/ Investigations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Division. The Administration/ Investigations Division consists of the Records Unit, Detective Unit, and Property Evidence Unit.

### 200.2.2 PATROL OPERATIONS DIVISION

The Patrol Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Operations Division consists of Uniformed Patrol and Special Operations, which includes Traffic, K-9, School Resource Officer, and Community Services Officers.

## 200.3 COMMAND PROTOCOL

### 200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police may designate a Division Commander to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Captain
- (b) Sergeant

### 200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given

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## West Linn PD Policy Manual

### *Organizational Structure, Jurisdiction and Responsibility*

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assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g. K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

#### 200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

#### 200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order which outwardly appears to be in direct conflict with any federal or state law, or local ordinance. If the legality of an order is in doubt the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, department policy, or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is required to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person issuing the countermanded order shall be notified in writing by the person issuing the second command of the action taken and the reason therefore.

# Jurisdiction

## 201.1 JURISDICTION

Establishes the jurisdiction of the West Linn Police Department.

### 201.1.1 PHYSICAL JURISDICTION

All areas within the boundaries of the City are within the territorial jurisdiction of the West Linn Police Department. The department may, however, on its own initiative, operate outside the boundaries of the City to the fullest extent permitted by law.

## 201.2 CONCURRENT JURISDICTION

The Department shall have primary jurisdiction within the City limits. The Clackamas County Sheriff shares concurrent jurisdiction within the boundaries of the City. The Sheriff's Office has secondary jurisdiction with the exception of waterways wherein they have primary jurisdiction. The Oregon State Police has primary jurisdiction on the I-205 Freeway.

Patrol and primary law enforcement within the City is the responsibility of the Department. Although deputies of the Sheriff's Office have law enforcement responsibilities wherever they may travel within the County, their patrol activities focus in the areas of the Sheriff's Office's primary jurisdiction throughout the unincorporated areas of the County. The Sheriff's Office and the Oregon State Police provide patrol, law enforcement assistance, and backup to all enforcement agencies within the County upon request and in compliance with mutual aid agreements.

# Supervision and Command

## 203.1 PURPOSE AND SCOPE

Establishes the responsibility and accountability for the supervisory and command ranks within the Department.

### 203.1.1 SUPERVISION AND COMMAND

Successful police service depends on the level of performance of its police officers. The level and efficiency of such performance is in large measure determined by the quality of supervision received. Supervision can generally be defined as planning the work of personnel in an orderly manner, delegating authority and responsibility for the efficient accomplishment of tasks and following up task assignments to assure satisfactory completion. To this end, the following serve as general supervisory guidelines.

**Chief of Police** - The Chief of Police has authority and responsibility for the management, direction, and control of the operations and administration of the Department. The Chief of Police will designate a person to act as Chief in his/her absence. Should the Chief be unable to do so, the order of precedence shall be: Captain, on-duty Sergeant, and on-call Sergeant. However, this procedure does not infringe the City Manager's right to appoint a Chief or Acting Chief of Police.

**Captains** - Captains are Division Commanders and are responsible and accountable for all aspects of their command. Within policy guidelines and legal constraints, a Captain has authority to direct and coordinate assigned personnel and allocate resources to achieve organizational goals and objectives. Captains rely on policy, directives, training and personal initiative to guide them in achieving the highest possible level of performance.

**Sergeants** - Sergeants are the first level of supervision and have the responsibility to guide, direct, motivate and train those personnel under their supervision.

**Officers in Charge** - Officers in Charge (OIC) are designated by the Chief of Police, and when serving in that capacity have limited authority. OIC's will only be used when a patrol sergeant is not available. Permission from the Patrol Division commander must first be obtained prior to using a non-designated officer as an OIC.

Command and control is inherent in and appropriate to all levels of a police organization. When two or more officers are dispatched to or are present at any activity, the primary unit assigned by radio to respond to the complaint shall assume control of the situation until it is concluded or until properly relieved by a superior officer.

The arrival of a more senior officer shall not be considered as an implicit assumption of command unless such assumption is communicated by the senior officer.

The presence of a Sergeant may be requested by the officer in charge of the situation and, upon arrival, the Sergeant will evaluate the scene and may assume command as the Sergeant deems necessary. The Sergeant may further request the presence of a command-level officer at the scene as the situation may dictate.

# West Linn Police Department

## West Linn PD Policy Manual

### *Supervision and Command*

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A Patrol supervisor will respond and take command of all situations involving civil unrest, injury to or by a police officer and damage to departmental or City equipment.

## Interim Directive

### **204.1 PURPOSE AND SCOPE**

Interim Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure. Interim Directives will immediately modify or change and supersede sections of this manual to which they pertain.

#### **204.1.1 INTERIM DIRECTIVE PROTOCOL**

Interim Directives will be incorporated into the manual as required upon approval of Staff. Interim Directives will modify existing policies or create a new policy as appropriate. A Interim Directive will be rescinded once it has been incorporated into the manual.

All existing Interim Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Interim Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 09-01 signifies the first Interim Directive for the year 2009.

### **204.2 RESPONSIBILITIES**

It shall be the responsibility of each department member to review all interim directives once published, and to update any manuals they possess.

#### **204.2.1 STAFF**

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by an Interim Directive.

Staff shall consist of Sergeants, the Assistant to the Chief of Police, Captains, and the Chief of Police.

#### **204.2.2 CHIEF OF POLICE**

The Chief of Police shall issue all Interim Directives.

### **204.3 ACCEPTANCE OF INTERIM DIRECTIVES**

All employees are required to read and obtain any necessary clarification of all Interim Directives. All employees are required to acknowledge in writing the receipt and review of any new Interim Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Assistant to the Chief of Police.



# Disaster Plan

## 206.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated (ORS 401.305).

All employees shall receive annual refresher training on the details of the West Linn Emergency Operations Plan.

## 206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated in a number of ways. The City has given responsibility for emergency management to the Police Department and has designated a Police Captain as the City's Emergency Manager. The Emergency Manager, Chief of Police or the highest ranking official on duty may activate the Emergency Operations Plan in response to a major emergency.

### 206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the West Linn Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

## 206.3 LOCATION OF MANUALS

The Emergency Operations Manual is available for all employees in electronic format on the City's network. A hard copy is available in the Records Unit. All supervisors should familiarize themselves with the Emergency Operations Plan and what roles police personnel will play when the plan is implemented.

## 206.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the police building, all employees shall follow implemented evacuation plans and posted exit routes (OAR 437-002-0041). The posted exit routes shall include any special directions for physically impaired employees.

## 206.5 UPDATING OF MANUALS

The Chief of Police or the authorized designee should review the Emergency Operations Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately address any needed revisions.

# West Linn Police Department

West Linn PD Policy Manual

## *Disaster Plan*

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# Training

## 208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

## 208.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the Oregon Department of Public Safety Standards and Training (DPSST).

## 208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public
- (b) Increase the technical expertise and overall effectiveness of our personnel
- (c) Provide for continued professional development of department personnel
- (d) Enhance the safety of officers and the community

## 208.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Coordinator. It is the responsibility of the Training Coordinator to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training
- Agency-specific training
- Prison Rape Elimination Act (PREA)
- De-escalation tactics (force avoidance)

## *Training*

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### **208.5 TRAINING NEEDS ASSESSMENT**

The Departmental Training Coordinator will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

### **208.6 TRAINING COMMITTEE**

The Training Coordinator shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Coordinator may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Training Coordinator to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Coordinator. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Coordinator will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

### **208.7 TRAINING PROCEDURES**

- (a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
  - 1. Court appearances
  - 2. Prior approved vacation
  - 3. Sick leave
  - 4. Physical limitations preventing the employee's participation

# West Linn Police Department

## West Linn PD Policy Manual

### *Training*

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5. Emergency situations
  - (b) When an employee is unable to attend mandatory training, that employee shall:
    1. Notify his/her supervisor as soon as possible, but no later than at least one hour prior to the start of training.
    2. Document his/her absence in a memorandum to his/her supervisor.
    3. Make arrangements through his/her supervisor and the Training Coordinator to attend an alternate date.

#### **208.8 TRAINING COSTS**

For purposes of this policy, the following definitions are provided (ORS 181.695):

**Original employing governmental agency** - The governmental agency that first employs an employee in a position that requires training.

**Training costs** - The expenses paid for by an employing governmental agency that include the cost of salary and benefits paid to an employee during training, the cost of salary and benefits paid to another employee to cover the workload of an employee in training and the cost of initial training courses required for employment.

Whenever statutorily required, an officer who voluntarily leaves employment with his/her original employing governmental agency and is subsequently employed by the West Linn Police Department in a position that requires the same training as required for the position with the original employing governmental agency, West Linn Police Department shall reimburse the original employing governmental agency for training costs incurred by the original employing governmental agency in accordance with the reimbursement schedule in ORS 181.695(3).

It is the responsibility of the Training Coordinator to identify when such reimbursements are required, and ensure that payment procedures are followed. If West Linn Police Department is the original employing agency in accordance with the definition contained in ORS 181.695(1)(a), the Chief of Police or designee will determine whether reimbursement will be sought from the agency which hired the officer.

In all issues of employment it is the policy of this department to take reasonable steps to retain competent employees.

#### **208.9 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the West Linn Police Department policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Patrol Supervisor.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Patrol Supervisor. Personnel should not share their password with others and should frequently

# West Linn Police Department

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### *Training*

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change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of this agency.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

## Electronic Mail

### 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this Department. Email is a communication tool available to Department employees to enhance the efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law, such as the Oregon Public Records Law set forth in Oregon Revised Statutes 192.420. Messages transmitted over the email system must only be those that involve City business activities or contain information essential to City employees for the accomplishment of business-related tasks, and/or communication directly related to City business, administration or practices.

### 212.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system. Likewise, employees are prohibited from receiving, sending or storing email messages in personal files. The Department reserves the right to access any personal folders to assure compliance with this policy.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

### 212.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

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## Administrative Communications

### **214.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide members with the protocols and forms to be used for internal administrative communications. Administrative communications of this department are governed by the following policies.

### **214.2 DEPARTMENT E-MAIL AND MEMORANDUMS**

Department E-mail may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status. The Chief of Police may issue memoranda to department personnel from time to time for the purpose of disseminating information to the members.

### **214.3 CORRESPONDENCE**

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. Personnel should use Department letterhead only for official business and with approval of their supervisor.

### **214.4 SURVEYS**

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Division Commander.



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## Staffing Levels

### 216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper staffing is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the Department's need to meet operational requirements.

### 216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least three regular sworn members on duty whenever possible. Patrol supervisors will ensure that at least one supervisor or officer-in-charge is deployed during each shift. The Patrol Commander may allow deviations to minimum staffing levels as necessary.

#### 216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training, vacations, sick time, and other unforeseen circumstances, an officer, designated as an 'Officer In Charge' may be used as a patrol supervisor in accordance with section 401.1.

## **Chapter 3 - General Operations**

# Use of Force

## 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

## 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

### 300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

## 300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

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### *Use of Force*

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appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

#### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer is justified in using force upon another person only when and to the extent that the officer reasonably believes it necessary (ORS 161.235):

- (a) To make an arrest or to prevent the escape from custody of an arrested person unless the officer knows that the arrest is unlawful; or
- (b) For self-defense or to defend a third person from what the officer reasonably believes to be the use or imminent use of force while making or attempting to make an arrest or while preventing or attempting to prevent an escape.

#### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.

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- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

#### 300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

#### 300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.

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- (b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
  - 1. The subject is violent or physically resisting.
  - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.
- (c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:
  - 1. Females who are known to be pregnant
  - 2. Elderly individuals
  - 3. Obvious juveniles
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

#### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under

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such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Unless it reasonably appears that it would endanger officers or the public, Officers are expected to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

#### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

##### **300.5.1 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the [(EMDT)] or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.

## *Use of Force*

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- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

### **300.6 MEDICAL CONSIDERATION**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

### **300.7 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:



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1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **300.7.1 DIVISION COMMANDER OR DESIGNEE RESPONSIBILITY**

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

#### **300.8 TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

# DUTY TO INTERVENE AND REPORT

## 301.1 PURPOSE AND SCOPE

Oregon House Bill 4205, as written and enrolled in 2020, limited the "duty to intervene" mandate to police officers and reserve officers. The West Linn Police Department sees fit to extend this "duty to intervene" mandate to all employees, as we all share the responsibility to stop misconduct wherever and whenever it occurs.

As such, any employee, without regard to rank or assignment, shall intervene to prevent or stop another employee engaged in any act the intervening employee knows or reasonably should know is misconduct, unless the intervening employee cannot intervene safely.

### 301.1.1 DEFINITIONS

Definitions related to this policy include:

**Misconduct:**

- A. Unjustified or excessive force that is objectively unreasonable under the circumstances or in violation of the Use of Force policy for the West Linn Police Department.
- B. Sexual harassment or sexual misconduct.
- C. Discrimination against a person based on race, religion, sex, sexual orientation, national origin, disability or age.
- D. A crime.
- E. A violation of the minimum standard for physical, emotional, intellectual and moral fitness for public safety personnel established under ORS 181A.410.

## 301.2 REPORTING REQUIREMENTS

- A. Any employee who witnesses another employee engaging in misconduct shall report the misconduct to a supervisor as soon as practicable, but no later than 72 hours after witnessing the misconduct.
- B. Failure of an employee to intervene or report any witnessed misconduct is grounds for disciplinary action against the witnessing employee.

## 301.3 DEPARTMENT RESPONSIBILITY

The West Linn Police Department may not discharge, demote, suspend, or in any manner discriminate or retaliate against any employee with regard to promotion, compensation or other terms, conditions, or privileges of employment for the reason that employee intervened or reported any witnessed misconduct.

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## Use of Force Review Boards

### 302.1 PURPOSE AND SCOPE

This policy establishes a process for the West Linn Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

### 302.2 POLICY

The West Linn Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

### 302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

### 302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administrative Services Division Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Administrative Services Division Commander of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 302.4.1 COMPOSITION OF THE BOARD

The Administrative Services Commander should select five Use of Force Review Board members from the following, as appropriate:

- Command Representative
- Training Coordinator

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- Supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

#### 302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If

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the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

# Handcuffing and Restraints

## 306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

## 306.2 POLICY

The West Linn Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

## 306.3 USE OF RESTRAINTS

Only members who have successfully completed West Linn Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

### 306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

### 306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

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#### **306.3.3 RESTRAINT OF JUVENILES**

Juveniles will be handcuffed while in custody, and while being transported, unless an officer has articulable reasons not to do so.

#### **306.3.4 NOTIFICATIONS**

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

#### **306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

#### **306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS**

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

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Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

### **REFER TO APPENDIX HERE ON DEPARTMENT ISSUED / DEPARTMENT APPROVED EQUIPMENT**

#### **306.6 APPLICATION OF LEG RESTRAINT DEVICES (HOBBLE)**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).
- (d) Whether based on the suspect's involvement in the medical syndrome known as "Excited Delirium", the suspect may not be able to be controlled by any other means other than a "maximum restraint" hobble position. A leg restraint/hobble can be applied to the suspect using either the straight leg hobbling technique or the maximum restraint position hobbling technique. The application of the proper hobbling technique will be determined by the on-scene officers and supervisor and will take into account the details and specific needs of the incident in question.

##### **306.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.



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- (c) Once applied, a maximum restraint hobble should remain in position only as long as it is reasonably necessary to get medical personnel into the scene to treat the suspect. No suspect should be transported by police personnel in the maximum restraint position.
- (d) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (e) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (f) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (g) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).
- (h) Officers are only to use hobbles/leg restraint devices issued or approved by the West Linn Police Department. Should an officer desire to use a personally owned hobble device, the device must have prior approval by the Defensive Tactics Coordinator and/or the Patrol Commander.
- (i) Only officers who have completed the department approved hobble/leg restraint training are authorized to use hobbles/leg restraints.

#### **306.7 REQUIRED DOCUMENTATION**

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

#### **306.8 EXCITED DELIRIUM**

Excited Delirium is a Chaotic Rage State in which affected persons may exhibit extreme agitation, intense and on-going verbal outbursts, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called excited delirium), may likely require a protracted physical encounter

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with multiple officers to be brought under control, and subsequently may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies.

Officers who reasonably suspect a medical emergency involving Excited Delirium shall request medical assistance as soon as practicable and have medical personnel stage away if appropriate. Officers should request additional cover officers, utilizing outside agencies if necessary, to ensure that physical control of the suspect is attempted with no less than 4 officers.

If practicable and whenever possible, officers should contain the suspect and not attempt physical control or restraint until EMS has arrived at the scene and is staged to enter. This will minimize the time the suspect may be in the maximum restraint hobble position before medical assistance is rendered.

Once the suspect is physically controlled, the suspect shall be examined and treated by the on-scene medical personnel before any further action is taken.

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## Control Devices and Techniques

### 308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

### 308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the West Linn Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual [Department/Office] members to use specific control devices.

### 308.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this [department/office] only if the device has been issued by the [Department/Office] or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed [department/office]-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

### 308.4 RESPONSIBILITIES

#### 308.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

#### 308.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

### 308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

### **308.5.1 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

**OC SPRAY:** Uniformed personnel carrying OC spray shall carry the device in an approved holster on the officer's equipment belt, external vest carrier, or drop leg Taser holster. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor. Other methods of carry for uniformed, plainclothes and non-field personnel may be approved at the discretion of the Chief of Police or his designee.

**TREATMENT FOR OC EXPOSURE:** Persons who have been sprayed with or otherwise have been affected by the use of OC spray should, as soon as practicable, be provided with clean water to cleanse the affected areas. Those persons whom complain of further severe effects shall be examined by appropriate medical personnel.

### **308.6 KINETIC ENERGY PROJECTILE GUIDELINES**

This [department/office] is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

#### **308.6.1 DEPLOYMENT AND USE**

Only [department/office]-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

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- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

### **308.6.2 DEPLOYMENT CONSIDERATIONS**

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others (2021 Oregon Laws, HB 2928 § 2).

### **308.6.3 SAFETY PROCEDURES**

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not in use, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

### **308.7 TRAINING FOR CONTROL DEVICES**

The Training Coordinator shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

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- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

#### **308.8 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

#### **308.9 CROWD CONTROL GUIDELINES**

OC, administered by canister, should not be used for crowd control except in circumstances that constitute a riot. A riot is when a person commits the crime of riot if while participating with five or more other persons, the person engages in tumultuous and violent conduct and thereby intentionally or recklessly creates a grave risk of causing public alarm (ORS 166.015; 2020 Oregon Laws, c.8,1).

Prior to the deployment of OC under these circumstances, officers shall, in the following order (2020 Oregon Laws, c.8.1):

- (a) Announce the intent to use OC,
- (b) Allow for sufficient time for individuals to evacuate the area, and
- (c) Announce for a second time, immediately before usage, the intent to use OC.

#### **308.10 SECTION TITLE**

#### **308.11 SECTION TITLE**

#### **308.12 SECTION TITLE**

#### **308.13 SECTION TITLE**

#### **308.14 SECTION TITLE**

# Conducted Energy Device

## 309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER<sup>®</sup> devices.

## 309.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

## 309.3 ISSUANCE AND CARRYING TASER DEVICES

Only personnel who have successfully completed department-approved training may be issued and carry the TASER device.

Personnel shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Personnel carrying the TASER device should perform a spark test on the unit before starting their shift on the first day of each work week. (see § 309.10).

When carried by officers;

- (a) The Taser shall be carried on the side opposite the officer's duty weapon if the Taser is carried on the officer's duty belt. If the Taser is carried on an external vest carrier, the Taser shall be carried as close to the support side as practical.
- (b) Whenever practicable, officers should carry two or more cartridges on their person.
- (c) Officers shall be responsible for ensuring that their TASER device is properly maintained and in good working order.
- (d) Officers are strongly discouraged from holding both a firearm and the TASER device at the same time.

## 309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the TASER device may be deployed.

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If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

### **309.5 USE OF THE CEW DEVICE**

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

#### **309.5.1 APPLICATION OF THE CEW DEVICE**

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

#### **309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.



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### *Conducted Energy Device*

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- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions. With the X2 Taser cartridges are never removed during a deployment; drive stun and/or probe deployment.

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

#### 309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

#### 309.5.4 MULTIPLE APPLICATIONS OF THE CEW DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

#### 309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges.

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### 309.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

### 309.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty without prior approval of the Chief of Police or his designee.

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

## 309.6 DOCUMENTATION

Officers shall document all TASER device discharges and threatened TASER device discharges in the related arrest/crime report and the appropriate use of force report made to a supervisor in compliance with the Use of Force Policy 300.5 including Pointing the device at a person with laser activation and/or arcing the device. Simply unholstering, holding or displaying the TASER at a low ready position will not be considered a use of force.

### 309.6.1 UNINTENTIONAL DISCHARGE

Officers shall notify a supervisor immediately.

## 309.7 MEDICAL TREATMENT

TASER darts should be carefully removed from a person's body according to TASER device training guidelines. Used TASER device darts shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly .

Darts that strike sensitive areas (such as the face, groin, etc.) shall be removed by medics or hospital personnel.

Any individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device darts are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
- (e) The person requests medical treatment.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple

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officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable.

Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. The transporting officer shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the TASER device.

#### **309.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

#### **309.9 TRAINING**

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Coordinator. All training and proficiency for TASER devices will be documented in the officer's training file.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Coordinator is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Coordinator should ensure that all training includes:

- (a) A review of this policy.

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- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

#### **309.10 TESTING**

An officer approved to carry and use a TASER will retrieve a TASER from the armory at the beginning of their shift and return it at the end of their shift, unless a TASER has been issued to a specially assigned officer. An officer deploying a TASER during their shift must "Spark Test" the TASER before starting their shift on the first day of each work week, by:

X26/P26

- a. Removing the cartridge.
- b. Pointing the Taser in a safe direction.
- c. Powering the Taser "ON".
- d. Pulling the trigger and ensuring the spark is rapid and the Taser is operating.
- e. Power the Taser "OFF".
- f. Check the expiration date of the cartridge and replace if expired.

If a cartridge is expired, place it in the "Expired Cartridge" Bin in the armory. If a Taser is not functioning properly

X2

#### **Function (Spark) Test**

When conducting the X2 Function Test:

Keep hands and fingers away from the front of the cartridges.

Do not unload the X2 cartridges.

Point the X2 in a safe direction.

Put the safety switch in the UP (armed) position.

Wrap your entire hand around the grip, using the other hands index finger or thumb to depress the ARC switch.

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See and hear both bays arcing from arm's length.

Listen for typical spark pulse rate and if the pulse rate is slow take it out of service, place in "Defective Taser" bin

Look at the CID and verify:

- a. You can toggle between bays
- b. No fault icons for the weapon
- c. > 20% battery strength
- d. Verify it's in manual mode

Put the safety switch in the down (SAFE) position

If any fault icons appear on the CID, notify the armorer and do not take the X2 into the field until the fault icons are

Place it in the "Defective Taser" bin in the armory.

# Officer-Involved Shooting

## 310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer-involved shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

### 310.1.1 DEFINITIONS

**Involved officer** - An officer whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person. As used here, "order to use deadly physical force" means an order issued to another officer to use deadly physical force in a specific incident or an order or directive establishing rules of engagement for the use of deadly physical force for a specific incident (ORS 181.789(a)).

An officer whose official conduct was not a cause in fact of the death of a person but whose official involvement in an incident in which the use of deadly physical force by an officer resulted in the death of a person (ORS 181.789(b)):

- Began before or during the use of the deadly physical force; and
- Was reasonably likely to have exposed the officer to greater stresses or trauma than other officers experienced as a result of their involvement in the incident before or during the use of the deadly physical force.

## 310.2 INVESTIGATION RESPONSIBILITY

This department abides by the Plan for Response to Deadly Force Incidents by Clackamas County Law Enforcement Agencies as established by law for investigating officer involved shootings, Annex A.

## 310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency or interagency team with the approval of the Chief of Police or a Division Commander.
- (b) A criminal investigation of the involved officers conducted by an outside agency or interagency team.
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency.
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy.

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#### 310.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officers. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

##### 310.4.1 WEST LINN POLICE DEPARTMENT OFFICER\_DEPUTY WITHIN THIS JURISDICTION

The West Linn Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by this agency or an inter-agency team as designated in the Officer Involved Shooting Procedures in conjunction with the District Attorney's Office. The investigation team shall include at least one police officer from an outside law enforcement agency (ORS 181.789).

##### 310.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The West Linn Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by this agency or an inter-agency team as designated in the Officer Involved Shooting Procedures in conjunction with the District Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

##### 310.4.3 WEST LINN POLICE DEPARTMENT OFFICER\_DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The West Linn Police Department will conduct timely civil and/or administrative investigations.

##### 310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	<b>Criminal Investigation of Suspect(s)</b>	<b>Criminal Investigation of Officer(s)</b>	<b>Civil Investigation</b>	<b>Administrative Investigation</b>
<b>West Linn Police Department Officer in this Jurisdiction</b>	West Linn Police Department	Officer Involved Shooting Procedures and District Attorney's Office	West Linn Police Department Civil Liability Team	West Linn Police Department Administrative Commander
<b>Allied Agency's Officer in this Jurisdiction</b>	West Linn Police Department	Officer Involved Shooting Procedures and District Attorney's Office	Involved Officer's Department	Involved Officer's Department

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**An officer From  
this department  
in Another  
Jurisdiction**

Agency where  
incident occurred

Officer Involved  
Shooting  
Procedures dictated  
by county where  
incident occurred

West Linn Police  
Department Civil  
Liability Team

West Linn Police  
Department  
Administrative  
Commander

### 310.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting.

#### 310.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer.
  1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide publicsafetyinformation necessary to secure the scene and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any officer, the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
- (e) Provide all available information to the Shift Supervisor and LOCOM. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.
  1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
  2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.



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#### 310.5.2 SHIFT SUPERVISOR DUTIES

Upon learning of an officer-involved shooting, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or a Division Commander.

#### 310.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Chief of Police
- Investigation Division Commander
- Patrol Commander
- Interagency OIS team
- District Attorney
- Departmental Public Information Officer
- Psychological/Peer support personnel
- Medical Examiner (if necessary)
- Officer representative (if requested)

All outside inquiries about the incident shall be directed to the Investigations Commander who may direct the Public Information Officer to field any inquiry.

#### 310.5.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Chief, Division Commander's and Public Information Officer in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a Division Commander.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

#### 310.5.5 INVOLVED OFFICERS

Once the involved officers have arrived at the station, the Shift Supervisor should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officers (ORS 181.789):

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- (a) Any request for department or legal representation will be accommodated. However, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communication.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (d) At least two sessions with a mental health professional shall be provided by the Department to each involved officer within six months after the incident, and, upon request, to any other affected officer. An involved officer must attend at least one such session (ORS 181.789).
  - 1. Interviews with a mental health professional will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
  - 2. An interview or session with a mental health professional may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a mental health professional prior to providing a formal interview or report.
- (e) Communications with peer counselors are confidential and may not be disclosed by any person participating in the peer support counseling session (ORS 181.860). To be considered confidential communications under the statute, the peer counselor must:
  - 1. Have been designated by a law enforcement agency or employee assistance program to act as a peer counselor, and
  - 2. Have received training in counseling and in providing emotional and moral support to public safety personnel or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.

Care should be taken to preserve the integrity of any physical evidence present on the officer's, equipment and clothing (e.g., blood, fingerprints) until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the officer's physical and emotional needs.

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. An officer who uses deadly force that results in the death of a person shall not be returned to a duty assignment that might place him/her in a situation in which he/she has to use deadly force until at least 72 hours immediately following the incident (ORS 181.789). It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

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### **310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION**

#### **310.6.1 DETECTIVE PERSONNEL**

Once notified of an officer-involved shooting, it shall be the responsibility of the Detective Unit supervisor to assign appropriate detective personnel to handle the investigation of related crimes in compliance with the Officer Involved Shooting Procedures. Detectives will be assigned to work with the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated under the direction of the District Attorney's Office.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

#### **310.6.2 CRIMINAL INVESTIGATION**

It shall be the policy of this department to utilize the District Attorney's Office to provide guidance in a criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to "partner" with investigators from the interagency investigative team so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

- (a) Supervisors and Administrative Division Commander personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (c) Any voluntary statement provided by the officer will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved officer or as required by law, no administratively coerced statements will be provided to any criminal investigators.

#### **310.6.3 REPORTS BY INVOLVED OFFICERS**

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

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While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the officer-involved shooting.

#### 310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Available personnel should be assigned to promptly contact the suspect's family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

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### **310.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Administrative Division Commander and will be considered a confidential peace officer personnel file.

- (a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, or if there are additional issues that were not covered in the criminal investigation, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - 3. Administrative interviews should be recorded by the investigator (the officer may also record the interview).
  - 4. The officer shall be informed of all constitutional *Miranda* rights and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions. The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Garrity* admonishment).
  - 5. The administrative interview shall be considered part of the officer's confidential personnel file.

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6. The Administrative Division Commander shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of deadly force policy .
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **310.7.1 CIVIL LIABILITY RESPONSE**

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

#### **310.8 AUDIO AND VIDEO RECORDINGS**

Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office as appropriate.

## Edged Weapons

### 311.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of edged weapons that are described in this policy.

### 311.2 POLICY

The West Linn Police Department will equip its members with a fixed-blade edged weapon to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure edged weapons are appropriate, in good working order and that relevant training is provided as resources allow. The West Linn Police Department authorizes officers to use edged weapons in accordance with the guidelines in this policy and the Use of Force Policy.

### 311.3 AUTHORIZED EDGED WEAPONS

Members shall only use the Department issued edged weapon after it has been thoroughly inspected and approved by the Defensive Tactics Coordinator. This exclusion does not apply to personally owned edged weapons such as Leathermans, folding knives, or other fixed blade knives carried for defense.

### 311.4 ISSUING, CARRYING AND USING EDGED WEAPONS

The Department shall issue a fixed-blade, edged weapon to any officer wishing to carry it.

The edged weapon described in this policy shall be carried and used by members of this department only in accordance to the guidelines discussed in this policy and only after the member has successfully completed department approved training in the use of the edged weapon. The edged weapon may only be carried and displayed according to the guidelines set forth by the Defensive Tactics Coordinator.

### 311.5 COORDINATOR RESPONSIBILITIES

The Defensive Tactics Coordinator may authorize the use of the edged weapon by selected personnel or members of specialized units who have successfully completed the required training.

### 311.6 TRAINING FOR EDGED WEAPONS

The Survival Skills Instructor/Defensive Tactics Coordinator shall ensure that all personnel who are authorized to carry a department issued edged weapon have been properly trained to carry and use the specific edged weapon and are retrained as necessary.

- (a) Training shall be monitored and documented by a Survival Skills instructor.
- (b) All training and proficiency for edged weapons will be documented in the officer's training file.

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(c) Officers who fail to successfully complete the required training with the edged weapon or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot successfully complete the required training with the edged weapon or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the edged weapon.

#### **311.7 REPORTING USE OF EDGED WEAPONS**

Any application of the edged weapon listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.



## Firearms

### 312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of a firearm that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

### 312.2 POLICY

The West Linn Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate, in good working order and that relevant training is provided as resources allow.

### 312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster or his designee. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm as authorized by WLPD.

All other weapons not provided by the Department shall be approved by the WLPD lieutenant, Captain or Chief of Police. This exclusion does not apply to edged weapons such as Leathermans, folding knives, or fixed blade knives carried for defense or weapons retention. Flashlights, such as the Tigerlight, that contains pepper spray, are authorized.

#### 312.3.1 HANDGUNS

All new hires will be issued and required to carry a Glock 17 or 19 by the department. Only officers hired prior to the date of this policy release will be authorized to carry a personally owned handgun on-duty. The officer must also follow policy 312.3.4 "Personally Owned Duty Firearms."

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#### 312.3.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all department issued firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

#### 312.3.3 PATROL RIFLES

The authorized department patrol rifle is the Colt AR-15 or similar AR-15 variants (direct gas impingement system) in .223 caliber/5.56mm. Only officers hired prior to the date of this policy release will be authorized to carry a piston driven rifle. Other variants will be considered at the

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discretion of the Range Master or his designee. The department will issue appropriate ammunition for the patrol rifle.. It is mandatory that a flashlight and sling be mounted to a rifle before the rifle is deployed. An officer can deploy a personally owned patrol rifle as long as the rifle follows the policy for "Personally Owned Duty Firearms" 312.3.4

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of patrol rifle instruction with a patrol rifle instructor and cold qualification score. Officers shall thereafter be required to successfully complete training and annual qualification conducted by a firearms instructor.

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Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at a longer range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack or locked in the trunk in the patrol vehicle with the chamber empty, the bolt forward, the loaded magazine inserted into the magazine well, and the selector lever in the safe position; "Patrol Ready". When inside the WLPD the rifle shall be "Armory Ready"; action open, magazine removed, bolt block inserted and the safety on.

#### 312.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized, personally owned duty firearm must receive approval from the Rangemaster or his designee. Once approved, personally owned duty firearms are subject to the following restrictions:

a. If an officer chooses to carry a personally owned handgun for duty, it must be a 9mm, 40 caliber or 45 ACP. The handgun shall be in good working order and be of a make and model approved by the Rangemaster or his designee.

b. If an officer chooses to carry a personally owned rifle, it shall be in good working order and be of a make/model approved of by the Rangemaster or his designee. The following rifle manufacturers are approved for duty carry and must have a minimum barrel length of 10.5 inches, with a

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pinned gas block, a staked carrier key, a staked castle nut and iron sights: Colt, Colt Competition (Bold Ideas), Noveske Rifleworks, LaRue, Daniel Defense, Bravo Company, Rock River Arms, Specialized Armament, Ruger, Sig Sauer and Smith and Wesson.

c. The firearm shall be inspected by the department armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary. Any work done to a duty firearm must be done by a department armorer or certified armorer.

d. Prior to carrying the firearm, members shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

e. The WLPD shall document the make, model, serial number and caliber of the firearm and the department designee shall maintain a list of the information.

f. The trigger pull-weight shall not be less than 4.5 pounds.

#### 312.3.5 AUTHORIZED SECONDARY HANDGUN

Officers desiring to carry a secondary firearm are subject to the following restrictions:

- (a) The handgun shall be in good working order and be of a make/model approved of by the Rangemaster or his designee.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun shall be the responsibility of the member.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the department armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) If the department armorer is unable to inspect the firearm due to a difference in make, the member is responsible for having an inspection done by a qualified armorer annually.
- (g) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Rangemaster or department armorer shall approve the ammunition.
- (h) Prior to carrying the secondary handgun, members shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (i) The WLPD shall make a written notice of the make, model, serial number and caliber of the secondary handgun and the department designee shall maintain a list of the information.

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#### **312.3.6 AUTHORIZED OFF-DUTY FIREARMS**

The ability of members to carry firearms while off-duty is encouraged, but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, will be required to meet the following guidelines:

- (a) A personally owned firearm may be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm shall be the responsibility of the member. Ammunition may be provided by WLPD if it is a department issued caliber or will need to be purchased by the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the department armorer for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the department armorer.
- (d) If the department armorer is unable to inspect the firearm due to a difference in make, the member is responsible for having an inspection done by a qualified armorer annually.
- (e) Prior to carrying any off-duty firearm, the member shall both qualify as appropriate and demonstrate to the Firearms team that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (f) The WLPD shall make a written notice of the make, model, serial number and caliber of the firearm and the department designee shall maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) When armed, officers shall carry their badges and West Linn Police Department identification.

#### **312.3.7 AMMUNITION**

Officers shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's first firearms qualification each year. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster or his designee when needed, in accordance with established policy.

Officers carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### **312.4 FIREARMS QUALIFICATIONS**

All sworn personnel are required to qualify as determined by the Chief of Police with their duty weapon on an approved range course. The Rangemaster or his designee shall keep records of qualifications, repairs, maintenance, training or as directed by the Training Coordinator. In

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addition to annual qualification schedules, the Rangemaster or his designee shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training, and demonstrate their knowledge and understanding of the department Use of Force policy.

All firearms proficiency training and qualification courses shall be conducted under the supervision of certified firearms instructors.

Sworn members are required annually to shoot and pass a cold qualification with a minimum score of 75%.

#### 312.4.1 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall notify his or her immediate supervisor via e mail prior to the end of the required training or qualification period.

If the officer fails the cold qualification they can immediately shoot a conditional qualification. If successful, they can continue to work in their current assignment but will receive remedial training and be required to shoot a cold qualification within 14 calendar days. If the officer does not shoot the cold qualification within 14 calendar days or fails to cold qualify they will be removed from their field assignment and be placed in another assignment pending review.

Members who repeatedly fail to qualify may be relieved from their field assignment and appropriate disciplinary action may follow. The Chief of Police will be notified of the process when members fail to qualify.

#### 312.4.2 HOLSTERS

Only department approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

#### 312.4.3 TACTICAL LIGHTS

Tactical lights may be installed on a firearm carried on duty or off-duty after they have been examined and approved by the Rangemaster or his designee. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

#### 312.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may be used on a firearm carried on duty or off-duty after they have been examined and approved by the Rangemaster or his designee. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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### **312.5 SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster or his designee. Members shall dry fire in accordance with the WLPD dry fire procedure.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on-or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the department armorer for inspection and repair. Any firearm deemed in need of repair or service by the department armorer will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable and the member shall qualify with that weapon as soon as practicable.

#### **312.5.1 INSPECTION AND STORAGE**

Handguns and rifles shall be kept clean and lubricated and shall be inspected regularly. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Firearms may be safely stored in lockers or in the armory at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building.

#### **312.5.2 STORAGE AT HOME**

Members shall ensure that all department issued firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

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#### 312.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on-or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to significantly affect the member's senses or judgment.

#### 312.6 FIREARMS TRAINING STANDARDS AND REQUIREMENTS

Training can include: MILO, simunitions, non live fire and live fire. All members who carry a firearm while on-duty are required to successfully complete training bi-annually with their duty firearms. All members will qualify at least annually with their duty firearms.

Members will qualify with off-duty and secondary firearms at least once a year.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting, and shoot-no shoot scenarios..

##### 312.6.1 FAILURE TO MEET FIREARMS TRAINING STANDARDS

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall send an e mail to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) This remedial training and qualification could occur the same day, but must be completed within 14 calendar days.
- (d) No range credit will be given for the following:
  - 1. Unauthorized range make-up
  - 2. Failure to meet minimum standards or qualify after remedial training

Members who fail to meet minimum standards or qualify will be removed from field assignment and may be subject to disciplinary action.

#### 312.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on-or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

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- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Patrol Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

#### **312.7.1 DESTRUCTION OF ANIMALS**

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

#### **312.7.2 INJURED ANIMALS**

With the approval of a supervisor or OIC, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. In these circumstances, when reasonable, the member will use the approved department shotgun designated for destruction of animals (Mossberg Model 500 chambered in .410 gauge). In exigent circumstances and with supervisor or OIC approval, a duty sidearm or patrol rifle may be utilized to dispatch the injured animal. All injured animal dispatches shall be documented in an Incident Report.

#### **312.7.3 WARNING AND OTHER SHOTS**

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

### **312.8 RANGEMASTER DUTIES**

The range will be under the exclusive control of the Rangemaster or his designee. All members attending will follow the directions of the Rangemaster.

The range shall remain operational and accessible to department members during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Rangemaster.



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The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit documentation of the training courses provided. Documentation shall include a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records..

#### **312.9 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their West Linn Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The West Linn Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the Officer's travel. If approved, TSA will send the West Linn Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

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- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **312.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her West Linn Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

#### **312.11 SECTION TITLE**

## Vehicle Pursuits

### 314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. Any officer or supervisor can terminate a pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

#### 314.1.1 POLICE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

#### 314.1.2 FAILURE TO YIELD

Refers to the actions of a vehicle operator who is not attempting to avoid arrest, but who fails to stop or respond to the emergency lights and sirens of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward at or below the speed limit, observes applicable rules of the road and does not change the direction of travel in an evasive manner. This does not constitute a pursuit.

#### 314.1.3 CATCHING UP WITH SPEEDING VEHICLES

Officers of the West Linn Police Department are expected and encouraged to enforce speed laws in the City. The Department recognizes that officers often need to exceed the speed limit in order to catch up to speeding vehicles. Officers of the West Linn Police Department are allowed to

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exceed the speed limit for this purpose, but only to a reasonable degree. When the act of an officer chasing a speeding vehicle becomes a risk of property damage, injury or death that a reasonable officer would recognize as unwarranted or unjustified, the attempt to catch up must stop. Catching up with speeding vehicles does not constitute a pursuit.

### **314.2 OFFICER RESPONSIBILITIES**

While engaging in a vehicle pursuit Officers must drive with due regard for the safety of all other persons. However, while engaging in a vehicle pursuit, officers are generally not required to follow the rules of the road (ORS 820.300). This exemption only applies to emergency vehicles using emergency lights and sirens (ORS 820.300; ORS 820.320). This following policy is established to provide Officers with guidelines for driving with due regard and caution for the safety of all persons, as required by ORS 820.300(2).

#### **314.2.1 PROHIBITED PURSUITS**

- (a) members should not initiate a pursuit when the safety risks posed to the member and the community, clearly outweigh the benefit of capturing the suspect.
- (b) The pursuit of known subjects is prohibited unless; the seriousness of the crime or reasonably suspected crime rises to the level of a serious risk to the public safety, then the pursuit may be initiated. This does not relieve the member's duty to continually weigh the risks associated with the continuation of the pursuit, against the benefit and need for immediate capture.
- (c) Police reserve officers are not authorized to drive during vehicle pursuits. Newly hired recruit officers who have not completed the Department of Police Safety Standards and Training Basic Academy are not authorized to drive during vehicle pursuits.
- (d) Pursuits are not authorized with ride-alongs or other non-sworn passengers. Pursuits are not authorized with a prisoner(s) in the police vehicle.
- (e) Officers will not pursue motorcycles unless a felony person crime has been committed.
- (f) Officers will not pursue out of State unless a felony person crime has been committed.
- (g) Absent a reasonable alternative, and then only when human life is in immediate danger, department vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit.

#### **314.2.2 WHEN TO INITIATE A PURSUIT**

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle. The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) Officers shall consider the type of area, time of day and the volume of vehicular and pedestrian traffic relative to a pursuit.

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- (c) Pursuing officer(s) familiarity with the area of the pursuit and the quality of radio communications between the pursuing units and the dispatcher/supervisor and other officers.
- (d) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (e) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (f) The emergency equipment present on the vehicles used in the pursuit.
- (g) Vehicle speeds.
- (h) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (i) Availability of other resources such as aircraft assistance.

#### 314.2.3 WHEN TO TERMINATE A PURSUIT

Pursuits shall be discontinued whenever the totality of objective circumstances known to the officer or supervisor during the pursuit, indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed in above sections (314.2.1 and 314.2.2), are expressly included herein and will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term terminate shall be construed to mean discontinue or to stop chasing the fleeing vehicle/s.

Once a pursuit is terminated, involved officers shall verbally acknowledge the termination over the radio, disengage the pursuit (turning off all lights and sirens) and begin obeying all traffic laws including speed limits. It may be necessary to turn off at the next available street in order to clearly signal to the fleeing driver that they are no longer being pursued. This does not limit an officer's ability to then drive along the last known path of the fleeing vehicle to ensure that the violator has not been involved in an accident or abandoned the vehicle.

The following factors should also be considered when deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle/s is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time, speed and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Officer's vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Hazards to uninvolved bystanders or motorists.
- (e) Officers are not adequately broadcasting updates and intervention strategies are not being planned or implemented.

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- (f) Pursuits shall be terminated when directed by a supervisor or officer from any involved agency.

Pursuing Known Subjects: If the identity of the suspect/s has been verified or is established and there is comparatively minimal risk in allowing the suspect/s to be apprehended at a later time, the pursuit shall be terminated. But if the identity of the offender is known and the seriousness of the crime or reasonably suspected crime, rises to the level of a serious risk to the public's safety, the pursuit may be continued. This does not relieve the member's duty to continually weigh the risks associated with the continuation of the pursuit, against the benefit and need for immediate capture.

Extended Pursuits: Extended pursuits cannot be defined solely by the amount of time one is engaged in a pursuit, but also must consider whether intervention strategies are likely, being planned or implementation is being attempted. If an officer is simply chasing a vehicle with no reasonable expectation that appropriate intervention is likely and/or being planned, the seriousness of the offense may dictate termination.

- (a) Extended pursuits for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged. Continuing such pursuits must be justified under the totality of the circumstances.
- (b) Extended pursuits for violations only (independent of the pursuit) shall be terminated.

### **314.3 AUTHORIZED PURSUING UNITS**

The number of pursuit units should be limited to three vehicles; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

#### **314.3.1 MOTORCYCLES / VEHICLES WITHOUT OVERHEAD LIGHT BARS**

Absent a reasonable alternative, and then only when human life is in immediate danger, department vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Distinctly marked police vehicles equipped with emergency overhead light bars and/or high-intensity LED flashing and strobe lights that give the vehicle 360 degree visibility are authorized to conduct vehicle pursuits. These authorized police vehicles are also equipped with traditional siren options.

Officers driving a police motorcycle or any unmarked police vehicles equipped with emergency lights and siren, are authorized to conduct vehicle pursuits until such time that distinctly marked police vehicles equipped with emergency overhead lighting can assume the pursuit.

These distinctly marked police vehicles equipped with emergency overhead lighting should replace a police motorcycle or any unmarked police vehicle without an overhead light bar, as soon as practical.

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Officers driving a police motorcycle or any police vehicle without an overhead light bar, should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of authorized emergency police vehicles. The exemptions provided by Oregon Revised Statutes 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under Oregon Revised Statutes 801.260

### 314.3.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

Notify LOCOM that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit (charges).
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Road and weather conditions.
- (e) Volume and flow of traffic area.
- (f) Description of the fleeing vehicle and license number, if known.
- (g) Number of known occupants.
- (h) The identity or description of the known occupants.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

In order to concentrate on pursuit driving the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit as soon as practical to a secondary unit or aircraft joining the pursuit, unless practical circumstances indicate otherwise. In the event that aircraft does join the pursuit, pursuing officers shall substantially increase following distances and allow the aircraft to maintain the location and direction of travel of the fleeing vehicle.

### 314.3.3 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

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#### 314.3.4 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspect(s).
  - 4. Notifying the Oregon State Police and/or other jurisdictional agency when it appears the pursuit may enter that jurisdiction.
  - 5. Termination of pursuit.
- (d) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

#### 314.3.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

Other units in the general vicinity not directly involved in the primary pursuit may proceed with caution, including paralleling, to a position that would assist in perimeter support. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers well outside the general vicinity should remain in their assigned area and should not become involved, during or at the termination of the pursuit, unless directed by a supervisor.

Non-pursuing personnel assigned to assist at the termination of the pursuit should respond in an appropriate manner, mindful of the rules of the road.

#### 314.3.6 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the



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termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term trail means to follow the path of the pursuit while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

### **314.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor or officer in charge (OIC) of the officer initiating the pursuit, will be responsible for the following:

- (a) Immediately broadcast to the dispatch center you are monitoring the pursuit.
- (b) Ascertain all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to insure that the pursuit is conducted within established department guidelines to include: Reason for the pursuit, crimes, weather, speeds and traffic flow with regular updates.
- (c) Clear the channel on which the pursuit is being broadcast.
- (d) Engage in the pursuit when appropriate, to provide support and on-scene supervision.
- (e) Ensure that aircraft are requested if available.
- (f) Ensure that K-9 support is requested.
- (g) Coordinate pursuit communications of the involved units and personnel.
- (h) Ensure that pursuit intervention strategies are being planned and attempted where appropriate.
- (i) Ensure that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (j) Direct that the pursuit be terminated if, in your judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (k) Ensure that the proper radio channel is being used.
- (l) Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (m) Control and manage WLPD units when a pursuit enters another jurisdiction.
- (n) Complete the "Supervisory Pursuit After Action Report" and review all pertinent reports for content and forward them to the Operations Captain..
- (o) Preparing post-pursuit critique and analysis for training purposes.

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#### **314.5 COMMUNICATIONS**

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

##### **314.5.1 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **314.6 INTER-JURISDICTIONAL CONSIDERATIONS**

**The West Linn Police Department is a participant in the Portland Metropolitan Inter-agency Pursuit Agreement covering pursuits.**

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor insure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

[See attachment: PMIPA1.jpg](#)

##### **314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and the assistance of this agency is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this agency shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

##### **314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when less than the maximum three vehicles are involved in the pursuit, and the pursuit is justified under WLPD policy. Under this circumstance, an appropriate number of units from this department may join the pursuit. Once sufficient units from the initiating agency join the pursuit, our units will disengage and continue on the pursuit path at

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a safe speed while obeying all traffic laws and without activating emergency equipment until the pursuit is either terminated or leaves our jurisdiction.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider the following additional factors:

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing officers.

The Shift Sergeant or OIC, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present or as authorized in exceptional circumstances by the supervising Sergeant or OIC.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

### **314.7 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.

#### **314.7.1 WHEN USE AUTHORIZED**

Use of pursuit intervention tactics should be employed after approval of a supervisor/OIC when possible. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

#### **314.7.2 DEFINITIONS**

**Blocking or Vehicle Intercept** - A very low speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a slow moving vehicle or to block the anticipated movement of a stopped suspect vehicle, the driver of which may be unaware of the

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impending enforcement stop, with the goal of containment and prevention of a pursuit. Employing the tactic of blocking in this manner, does not constitute a Barricade.

**Boxing-in** - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

**Barricade** - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle. This tactic is also often referred to as a roadblock or blockade.

**Pursuit Intervention Technique (PIT)** - is a low speed maneuver designed to cause the suspect vehicle to spin out and bring the pursuit to an end. PIT at or below 45 mph is not considered a substantial use of force. PIT over 45 mph may be considered deadly force.

**Spikes or Tack Strips** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

### 314.7.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is prohibited. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon, or to protect life when circumstances dictate that deadly force is absolutely necessary.

### 314.7.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers who have not received certified departmental training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving criminal level suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:
  - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks to occupants of the suspect vehicle, officers, or other members of the public.
  - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.

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3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
  4. The target vehicle is stopped or traveling at a low speed.
  5. At no time should civilian vehicles be used to deploy this technique.
- (b) PIT - Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor if possible, and upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle. PIT at or below 45 mph is not considered a substantial use of force. PIT over 45 mph may be considered deadly force.
- (c) Ramming: Members should only employ this tactic in extraordinary circumstances. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. Any use of ramming requires substantial justification and may be considered deadly force. Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted and there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public (independent of the pursuit) if not apprehended.
  2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
- (d) Boxing-in - As with all intervention tactics, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.
- (e) Spike or Tack Strips - The use of spike strips should be approved in advance by a supervisor when possible and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Barricade - Because barricades involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately

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stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public. Any barricade implemented should include reasonable line-of-sight distance permitting the suspect to recognize, react to and stop before striking the barricade.

#### **314.8 REPORTING REQUIREMENTS**

The following reports should be completed to comply with appropriate local and state regulations:

- (a) Each member involved with the pursuit will document their level of involvement in an appropriate report. This includes officers who did not engage directly in the pursuit, but may have cleared an intersection of cross traffic, deployed or attempted to deploy spike strips or any other actions taken to assist with the management of the pursuit. The primary officer shall complete the appropriate crime/arrest reports.
- (b) A field supervisor shall complete an After Action Report summarizing the pursuit to the Operations Captain to evaluate the pursuit in terms of Department policy. The memo shall minimally contain the following information:
  - 1. Date and time of pursuit.
  - 2. Length of pursuit.
  - 3. Involved units and officers.
  - 4. Initial reason for pursuit.
  - 5. Starting and termination points.
  - 6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable.
  - 7. Injuries and/or property damage.
  - 8. Medical treatment.
  - 9. Name of supervisor at scene.
  - 10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy.
  - 11. Determine the need for any additional review and/or follow up.
  - 12. This After Action Report will also include a copy of the dispatch recording of the entire incident leading up to the pursuit, the pursuit itself and the aftermath.

##### **314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

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#### 314.8.2 POLICY REVIEW

Each member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

#### 314.8.3 ANNUAL REVIEW

During the first calendar quarter of each year, Patrol Division Commander will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of vehicle pursuits that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers, location of occurrence are not needed for this purpose and therefore will not be part of this process.

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# Officer Response to Calls

## 316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

## 316.2 RESPONSE TO CALLS

Officers shall proceed immediately to calls that are of an emergency nature. A code 3 response should be considered when available information reasonably indicates that a person is threatened with injury or death, a felony property crime is in progress, or serious property damage is imminent and a more immediate law enforcement response is needed to mitigate injury, property loss, or to apprehend the suspect(s).

Officers may at their discretion proceed code 3 to traffic accidents and medical calls when the circumstances dictate.

Officers responding Code 3 shall operate emergency lights and siren as is reasonably necessary pursuant to ORS 820.300 and ORS 820.320. Officers shall only use the wail and yelp function of the siren as an emergency sound. The hi-lo function of the siren is not considered an emergency sound pursuant to OAR 735-110-0000(8) and OAR 735-110-0010(1-3).

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons.

ORS 820.320(2) allows officers to omit the use of emergency lights and siren if it reasonably appears that the use of either or both would prevent or hamper the apprehension or detection of a violator. Except as stated in the previous sentence, Officers who fail to use appropriate warning equipment, are not exempt from following the rules of the road (ORS 820.300).

Officers responding to non-emergency calls shall observe all traffic laws and proceed without the use of emergency lights and siren.

## 316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify LOCOM.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency



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- The number of units required

### **316.3.1 NUMBER OF UNITS ASSIGNED**

Normally, no more than two units should respond to an emergency call Code-3 unless a patrol supervisor authorizes an additional unit(s).

### **316.4 INITIATING CODE 3 RESPONSE**

Based on the information in a call, the Officer may decide that a Code-3 response is warranted. Other Officers responding to the same call that are also responding Code-3 should be mindful that their sirens may drown out other responding vehicles, and assess the need to have more than one unit responding Code-3. It is incumbent on the on duty patrol supervisor to monitor the radio, and Officers response to calls.

### **316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)**

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections as may be necessary for safe operation.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit.

### **316.6 SUPERVISORY RESPONSIBILITIES**

The patrol sergeant or OIC shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances. The supervisor should also ensure that no more than those units reasonably necessary under the circumstances are involved in the response. When making that decision the patrol supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

### **316.7 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Shift Supervisor, field supervisor, or LOCOM of the equipment failure so that another unit may be assigned to the emergency response.

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# Canine Program

## 318.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

## 318.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any officer or the handler.
- (b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officers shall not serve as good cause for the use of a canine to apprehend the individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

### 318.2.1 PREPARATION FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene should carefully consider all pertinent information that is reasonably available at the time. The information should include, but is not limited to, the following:

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.

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- (e) The potential for escape or flight if the police dog is not utilized.
- (f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog should remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.

#### 318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The canine handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

#### 318.2.3 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

- (a) Absent a change in circumstances which presents an immediate threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.
- (b) Throughout the deployment of the canine in such circumstances, the handler should consider giving periodic verbal assurances that the canine will not bite or hurt the person.
- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.

#### 318.2.4 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, a Canine Use Report shall be completed by the handler and submitted to the Patrol Division Commander before going off duty.

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Whenever the use of the canine results in a bite or any injury it shall be completed and included with any related incident report.

If a bite or injury results from the use of the canine, that information shall be documented in a report. The report should include, at a minimum, the following:

Photographs should be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. Photographs shall be retained until the potential need for use in any related civil proceeding has expired.

The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody an officer should remain with the suspect until treatment has been rendered.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

The Canine Handler will maintain liaison with Clackamas County Animal Control or appropriate animal control authority to ensure that information regarding canine bites is not retained by its office.

The canine handler shall notify the local public health administrator immediately should any canine develop abnormal behavior within 10 days of biting a person (OAR 333-019-0024).

#### **318.2.5 REPORTING CANINE INJURIES**

In the event that a canine is injured, the injury will be immediately reported to the Shift Supervisor.

Medical care for any injured canine should follow the protocol established in § 318.6 et seq.

The injury will be documented on a Canine Use Report Form.

#### **318.2.6 ASSIGNMENT OF CANINES**

The canine teams shall be assigned to the Patrol Division to supplement and assist Patrol.

Staffing levels may dictate that a canine unit be assigned to perform the duties of a patrol district.

Canine teams should function primarily as cover units however; they may be assigned by the Patrol Sergeant to other functions based on the needs of the department at the time.

#### **318.3 REQUEST FOR USE OF CANINE TEAMS**

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of Patrol or from another agency shall be acknowledged and approved by a patrol supervisor.

##### **318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES**

A Patrol Sergeant must approve all requests for canine assistance from outside agencies, subject to the following provisions:

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- (a) Canine teams should only be used for assignments that are consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams should not be called out while off-duty or used outside the boundaries of the City of West Linn unless authorized by a Patrol Sergeant.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

#### **318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS**

All public requests for a canine team demonstration shall be approved by the Patrol Commander prior to making any commitment. The canine handler will brief the Patrol Commander regarding the scope of the demonstration.

#### **318.4 SELECTION OF CANINE HANDLERS**

The following are the minimum qualifications for the assignment of canine handler:

- (a) West Linn Police Department Officer (currently off probation) with a minimum of 3 years patrol experience.
- (b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates)
- (c) Live within 30 minutes travel time from the West Linn City limits
- (d) Agree to be assigned to the position for a minimum of four years

#### **318.5 CANINE HANDLER RESPONSIBILITIES**

##### **318.5.1 AVAILABILITY**

The handler shall be available for call-out under conditions specified by this policy. The canine handler will have the final decision if the team will deploy.

##### **318.5.2 CARE FOR THE CANINE AND EQUIPMENT**

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Patrol Commander as soon as possible.

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- (d) When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate should be secured with a lock. When off-duty, canines may be let out of their kennels while under the supervision of their handlers or responsible family members.
- (e) The canine should be permitted to socialize in the home with the handler's family under the supervision of the handler.
- (f) If the canine be lodged at another location the handler will advise the Patrol Commander.
- (g) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Patrol Commander.

#### **318.5.3 CANINES IN PUBLIC AREAS**

All canines shall be under actual or constructive control when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains inhabitable for the canine.

#### **318.5.4 HANDLER COMPENSATION**

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Collective Bargaining Agreement.

#### **318.6 MEDICAL CARE OF THE CANINE**

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.6.2.

##### **318.6.1 NON-EMERGENCY MEDICAL CARE**

Non-emergency medical care will be coordinated by the canine handler.

Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator or the Patrol Commander as soon as practical.

All records of medical treatment shall be maintained in the Police Department's records division.

##### **318.6.2 EMERGENCY MEDICAL CARE**

The handler should notify the Unit Coordinator as soon as practicable when emergency medical care is required.

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Depending on the severity of the illness or injury, the canine should either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

#### **318.7 TRAINING**

Before assignment in the field, each canine handler must have completed at least 360 hours of training in the care and use of the law enforcement animal, or must have passed the demonstration of minimum standards established by the Oregon Police Canine Association (OPCA) or other accredited and recognized animal handling organization (ORS 167.310). Cross trained dog teams or those dog teams trained exclusively for the detection of drugs and/or explosives shall be trained and certified to meet the standards established for such detection dogs.

##### **318.7.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to current OPCA standards (as applicable) or other accredited and recognized animal handling organization on an annual basis. Additional training considerations are as follows:

- (a) Canine teams shall receive training as defined in the current contract with the department's canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the West Linn Police Department.
- (d) All canine training should be conducted while on-duty unless otherwise approved by the Unit Coordinator or Shift Supervisor.

##### **318.7.2 CERTIFICATION REQUIREMENTS**

Any dog team failing OPCA canine certification standards (as applicable) or other accredited or recognized animal handling organization standards shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler should be temporarily reassigned to regular patrol duties.

##### **318.7.3 TRAINING RECORDS**

All canine training records shall be maintained in the canine handler's training file.



# Domestic Violence

## 320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

### 320.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

## 320.2 POLICY

The West Linn Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

## 320.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

## 320.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

Follow the Clackamas County Domestic Violence Protocol for law enforcement, using the Domestic Violence Lethality Screen for First Responders.

## 320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should follow the Clackamas County Domestic Violence Protocol and make reasonable efforts to ensure the safety and well being of victims and family members.

## 320.6 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it

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were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

#### **320.7 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

##### **320.7.1 SERVICE OF COURT ORDERS**

Officers should, if requested and practicable, serve any unserved restraining order when called to the scene of a disturbance. Any officer serving such a restraining order shall ensure that a copy of proof of service is returned to the Sheriff for entry into the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) system (ORS 107.720).

##### **320.7.2 SERVICE OF EMERGENCY PROTECTIVE ORDERS**

An officer who obtains an emergency protective order for a victim shall provide the victim with a certified copy and ensure that a certified copy of the order and the supporting declaration for the order is filed with the court (ORS 133.035).

The officer who obtained the emergency protective order shall serve the respondent personally. Upon completion of the service, the officer shall file a proof of service with the court and ensure that the order is entered into LEDS. If service cannot be completed within one day of the order's entry, the officer shall notify the court (ORS 133.035).

If an officer receives a termination order from the court, the officer shall ensure that the order is promptly removed from LEDS (ORS 133.035).

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### **320.8 STANDARDS FOR ARREST**

- (a) Officers who respond to an incident of domestic disturbance and have probable cause to believe an assault has occurred between family or household members as defined in ORS 107.705, or who believe that one such person has created in the other a fear of imminent serious physical injury, shall arrest and take into custody the alleged assailant or potential assailant (ORS 133.055).
- (b) Dual arrests are not required (ORS 133.055). Officers shall make reasonable efforts to identify and arrest the primary assailant in any incident. In identifying the primary assailant, an officer shall consider:
  - 1. The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury.
  - 2. If reasonably ascertainable, the history of domestic violence between the persons involved.
  - 3. Whether any alleged crime was committed in self-defense.
  - 4. The potential for future assaults.
- (c) Once a suspect has been arrested under the provisions of ORS 133.055, the suspect shall be taken to jail. Officers have no authority to release the arrested person.
- (d) Officers shall arrest and take a suspect into custody when the officer has probable cause to believe that a restraining order or emergency protective order has been issued, a copy of the order and proof of service on the suspect have been filed, and the suspect has violated the terms of the order (ORS 133.310).

### **320.9 REPORTS AND NOTIFICATIONS**

Officers should document in their report that they provided each domestic violence victim with a copy of the department's domestic violence victim information handout (ORS 133.055).

Reporting officers should also provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout. If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

#### **320.9.1 EMERGENCY PROTECTIVE ORDERS**

The Assistant to The Chief of Police shall ensure that a system is in place that provides officers at the scene of an alleged violation of an emergency protective order of the terms and existence of the protective order (ORS 133.035).

# Search and Seizure

## 322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for West Linn Police Department personnel to consider when dealing with search and seizure issues.

## 322.2 POLICY

It is the policy of the West Linn Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

## 322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

## *Search and Seizure*

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### **322.4 SEARCH PROTOCOL**

Although conditions will vary and officer safety and other exigencies must be considered in every search situation; the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
  1. Another officer or a supervisor should witness the search.
  2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

### **322.5 DOCUMENTATION**

Officers are responsible to document any search that leads to or is the result of an arrest, when evidence or any property is seized, when a search warrant is executed, or when a vehicle is impounded/inventoried, and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

# Temporary Custody of Juveniles

## 324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the West Linn Police Department (42 USC § 5633).

Guidance regarding contacting juveniles at schools or those who may be victims is provided in the Child Abuse Policy.

### 324.1.1 DEFINITIONS

The West Linn Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the West Linn Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

### 324.1.2 JUVENILE DELINQUENCY AND DEPENDENCY

Officers may take custody of juvenile offenders by two methods:

Protective custody (ORS 419B.150 through ORS 419B.175) Delinquency custody (ORS 419C.080 et seq.)

## 324.2 POLICY

(a) An officer is authorized to take a juvenile into custody under the following circumstances: 1. When a child's condition or surroundings reasonably appear to be such as to jeopardize the child's welfare (ORS 419B.150) 2. When there is a court order directing a child be taken into protective custody (ORS 419B.150) 3. When it reasonably appears that the child has run away from home (ORS 419B.150) 4. When it reasonably appears that the juvenile is a fugitive from another state (ORS 419C.145) 5. When there is a court order directing that a youth be taken into custody (ORS 419C.080) 6. When, if the youth were an adult, the youth could be arrested without a warrant (ORS 419C.080)

(b) An officer shall take a youth into custody when the officer has probable cause to believe the youth, while in or on a public building or court facility within the last 120 days, possessed a firearm or a destructive device in violation of ORS 166.250, ORS 166.370 or ORS 166.382 (ORS 419C.080).

(c) Protective custody shall not be deemed an arrest so far as the child is concerned and an officer taking a child into protective custody has all the privileges and immunities of an officer making an arrest (ORS 419B.155).

### 324.2.1 CITATIONS IN LIEU OF CUSTODY

Generally, in lieu of taking a youth into custody for an act that would constitute an offense if it was committed by an adult, an officer may issue a citation for the same offense and under

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the same circumstances that a citation may be issued to an adult per ORS 419C.085. The Records Division shall send a copy of the citation to the Juvenile Intake and Assessment Center

### **324.3 JUVENILES WHO SHOULD NOT BE HELD**

A juvenile may not be detained at any time in a police station, jail, prison or any other place where adults are detained, except that a juvenile may be detained in the police station for up to five (5) hours when necessary to obtain the juvenile's name, age, residence and other identifying information (Oregon Revised Statutes 419B.160 and 419C.130). During the time a juvenile is held in temporary custody at the West Linn Police Department an officer will be assigned to stand outside the interview room.

The Clackamas County Juvenile Department maintains the Clackamas County Juvenile Intake Center (CCJIC ) which is specifically designed as a temporary holding facility for juveniles. Whenever practical this center should be used to hold juveniles. Once a juvenile is brought to the CCJIC, the staff there takes over the responsibilities of the required notifications. Officers will not remove handcuffs from the juvenile until the JIAC staff has completed their intake procedure. As soon as practical after a juvenile is taken into custody, the officer or JIAC staff shall notify the juvenile's parents, guardian or other responsible person. The person notified will be informed of the reason the juvenile was taken into custody, the location where they are being temporarily detained, and the intended disposition (Oregon Revised Statutes 419B.160 and 419C.097).

(a) Submit a completed report to the Patrol Sergeant for approval

#### **324.3.1 TEMPORARY CUSTODY REQUIREMENTS**

If a juvenile is held at the WLPD, in lieu of the Clackamas County Juvenile Intake Center (CCJIC) the following procedures must be followed.

All juveniles held in temporary custody shall have the following made available to them:

(a) Access to toilets and washing facilities (b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer, or as directed by a supervisor (c) Access to drinking water (d) Privacy during visits with family, guardian, or lawyer (e) Provide the juvenile an opportunity to make at least two telephone calls within one hour of being taken into temporary custody. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney

#### **324.3.2 NON-CONTACT REQUIREMENTS**

There shall be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners.

## *Temporary Custody of Juveniles*

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### **324.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and may temporarily hold the juvenile at the West Linn Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the West Linn Police Department without authorization of the arresting officer's supervisor or the Shift Supervisor.

#### **324.4.1 CUSTODY OF JUVENILE STATUS OFFENDERS**

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (42 USC § 5633).

#### **324.4.2 CUSTODY OF JUVENILE OFFENDERS**

Generally, a juvenile offender may be taken into custody:

- (a) When it reasonably appears that the juvenile is a fugitive from another state (ORS 419C.145).
- (b) When there is a court order endorsed as provided in ORS 419C.306 and directing that the juvenile be taken into custody (ORS 419C.080).
- (c) When, if the juvenile were an adult, he/she could be arrested without a warrant (ORS 419C.080).

An officer shall take a juvenile into custody when the officer has probable cause to believe the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or a destructive device (ORS 419C.080).

Generally, an officer may issue a citation in lieu of taking the juvenile into custody if a citation may be issued for the same offense and under the same circumstances to an adult. If a citation in lieu of custody is issued, a copy of the citation shall be sent to the District Attorney (ORS 419C.085).

Juvenile offenders should be held in non-secure custody while at the West Linn Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

#### **324.4.3 EXCEPTIONS TO RELEASE OF JUVENILE OFFENDERS**

A juvenile offender shall be released to the custody of the juvenile's parent, guardian or other responsible person, except in any of the following circumstances (ORS 419C.100):

- (a) The court has issued a warrant of arrest for the juvenile.
- (b) The officer has probable cause to believe that release of the juvenile may endanger the welfare of the juvenile, the victim or others.



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- (c) When the officer has probable cause to believe that the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or destructive device.

If a juvenile offender is not released to the parent, guardian or other responsible person, or to a person identified by the juvenile court, the officer shall take the juvenile to the county juvenile detention facility or appropriate shelter (ORS 419C.103).

### **324.5 NOTIFICATION TO PARENT OR GUARDIAN**

As soon as practicable after a juvenile is taken into custody, the officer taking the juvenile into custody shall notify the juvenile's parent, guardian or other person responsible for the juvenile of the following (ORS 419B.160; ORS 419C.097):

- (a) Reason the juvenile was taken into custody
- (b) Location where the juvenile is being temporarily detained
- (c) Intended disposition
- (d) Time and place of any hearing

### **324.6 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the West Linn Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

### **324.7 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the West Linn Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the West Linn Police Department.

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### **324.8 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

### **324.9 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

A juvenile taken into custody under ORS 419C.080 shall be photographed and fingerprinted (ORS 419A.250(2)).

Other juveniles taken into custody may only be fingerprinted or photographed (ORS 419A.250(1)):

- (a) Pursuant to a search warrant.
- (b) According to laws concerning adults if the juvenile has been transferred to criminal court for prosecution.
- (c) Upon consent of both the juvenile and the juvenile's parent after being advised that they are not required to give such consent.
- (d) By order of the juvenile court.

Fingerprints and photographs of juveniles must be kept separate from those of adults. Fingerprints and photographs of juvenile offenders shall be sent to the central state depository in the same manner as fingerprint and photograph files or records of adults. Fingerprints and photographs of other juveniles should not be sent to any central state or federal depository (ORS 419A.250).

### **324.10 RECORDS**

Fingerprint and photograph files or records of juveniles must be kept separate from those of adults (ORS 419A.250).

Reports and other material relating to juveniles is generally considered privileged and may not be disclosed directly or indirectly except as provided in Records Release and Security Policy.

# Elder Abuse

## 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of elder abuse.

### 326.1.1 POLICY

It is the policy of the West Linn Police Department to treat reports of violence against elderly persons as a high priority criminal activity. This department will investigate all allegations of abuse of elderly persons and persons with disabilities and will work cooperatively with the appropriate agencies and resources to reduce the incidence of abuse. Each incident will be fully investigated and documented in a written report, regardless of the relationship between the victim and the suspect. All cases of suspected elder abuse reported to and/or investigated by the West Linn Police Department will follow the countywide protocol established by the District Attorney's multi-disciplinary elder abuse team, if applicable (ORS 430.731).

## 326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided:

### Abuse of an Elder or Dependent Adult -

- (a) Any physical injury caused by other than accidental means, or which appears to be at variance with the explanation of the injury.
- (b) Neglect or failure to provide basic care which leads to physical harm through withholding of services necessary to maintain health and well being.
- (c) Abandonment, including desertion or willful forsaking of an elderly or dependent person or the withdrawal or neglect of duties and obligations owed an elderly or dependent person by a caretaker or other person.
- (d) Unlawful sexual contact.
- (e) Financial exploitation, fraud or the illegal or improper use of a resident's resources for the personal profit or gain of another person.
- (f) Verbal or mental abuse of a resident of a long-term care facility as prohibited by federal law.
- (g) Involuntary seclusion of a resident of a long-term care facility for convenience or discipline.
- (h) Any other criminal act perpetrated against an elderly or dependent persons as a result of another person's legal duty or responsibility for providing care to the elderly or dependent person.

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**Adult Protective Services Agency** - Means the Oregon State Department of Human Services, Seniors and People with Disability Division or a county welfare department providing services to elderly or dependent persons.

For purposes of Criminal Mistreatment statutes, the following definitions are provided (Oregon Revised Statutes 163.205(2)).

**Dependent Person** - A person who, because of age or a physical or mental disability, is dependent upon another to provide for the person's physical needs.

**Elderly Person** - Any person 65 years of age or older.

**Legal Duty** - Includes, but is not limited to a duty created by family relationship, court order, contractual agreement, or statutory or case law.

### **326.3 MANDATORY REPORTING REQUIREMENTS**

Officers are required to report suspected abuse of elders and residents of long-term care facilities. With respect to elders, any public or private official having reasonable cause to believe that any person 65 years of age or older with whom the official comes in contact, while acting in an official capacity, has suffered abuse, or that any person with whom the official comes in contact while acting in an official capacity has abused a person 65 years of age or older shall report or cause a report to be made as required in Oregon Revised Statutes 124.065 (Oregon Revised Statutes 124.060 and 441.640).

With respect to residents of long-term care facilities, the officer must also make a report as specified above (Oregon Revised Statutes 441.640).

### **326.4 OFFICER'S RESPONSE**

All incidents involving actual or suspected elder and dependent abuse shall be fully investigated and appropriately documented.

#### **326.4.1 INITIAL RESPONSE**

Officers may be called upon to effect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

#### **326.4.2 STABILIZE THE SITUATION**

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider the following:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person

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- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately
- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention

#### 326.4.3 SUPPORT PERSONNEL

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Detective personnel
- Evidence collection personnel
- Department of Human Services, Seniors and People with Disability Division

#### 326.4.4 ENFORCEMENT ACTION

Based on the results of the investigation and considering the safety of the abuse victim, officers may make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

Relevant statutes may include, but are not limited to, Criminal Mistreatment 1st or 2nd Degree, assault, sex offenses, or any statutes relating to theft or fraud.

#### 326.5 ELDER ABUSE REPORTING

Every allegation of elder abuse shall be documented. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim.
- Victim's condition/nature and extent of injuries, neglect or loss.
- Names of agencies and personnel requested and on scene.
- If the investigation finds reasonable cause to believe that abuse has occurred, the officer will notify the appropriate local office of the Department of Human Services and ensure a copy of the report is routed to that office.

Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810.

The Oregon Long-Term Care Ombudsman shall also be notified if the abuse is in a long-term care facility.

# **Discriminatory Harassment**

## **328.1 PURPOSE AND SCOPE**

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

## **328.2 POLICY**

The West Linn Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive, corrective and disciplinary action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

## **328.3 DISCRIMINATION PROHIBITED**

### **328.3.1 DISCRIMINATION**

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department commitment to a discrimination free work environment.

### **328.3.2 SEXUAL HARASSMENT**

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

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#### 328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission (EEOC) and the Oregon Bureau of Labor and Industries' Civil Rights Division.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and the member.

#### 328.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

#### 328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, Human Resources Manager or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### 328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure their subordinates understand their responsibilities under this policy.

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- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Chief of Police or Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

#### **328.4.2 SUPERVISOR'S ROLE**

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of our Department and professional law enforcement standards
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegations based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

#### **328.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

##### **328.5.1 SUPERVISORY RESOLUTION**

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not solve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.



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#### **328.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation (ORS 659A.199).

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Human Resources Manager or the City Manager.

#### **328.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed or discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### **328.6 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

#### **328.7 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police or the City Manager or the Human Resources Manager if more appropriate.
- Maintained for the period established in the department's records retention schedule.

#### **328.8 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

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All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

#### 328.8.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, manager, the Chief of Police, Human Resources Manager or the City Manager for further information, direction or clarification.

# Child Abuse

## 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when West Linn Police Department members are required to notify the Department of Human Services (DHS) of suspected child abuse.

### 330.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (ORS 419B.010).

## 330.2 POLICY

The West Linn Police Department will investigate all reported incidents of alleged criminal child abuse and ensure that DHS is notified as required by law.

## 330.3 MANDATORY NOTIFICATION

Members of the West Linn Police Department shall notify DHS when a report of child abuse is received or when there is reasonable cause to believe that a child has suffered abuse (ORS 419B.010).

For purposes of notification, a child is an unmarried person under 18 years of age (ORS 419B.005(2)).

For purposes of notification, abuse of a child includes, but is not limited to, assault or physical injury of a non-accidental nature, rape, sexual abuse or sexual exploitation including contributing to the sexual delinquency of a minor, threatened harm, negligent treatment or maltreatment, buying or selling a child, unlawful exposure to a controlled substance, permitting a child to enter or remain in or upon premises where methamphetamines are manufactured, or any other act described in ORS 419B.005(1)(a).

### 330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (OAR 413-015-0305):

- (a) Verbal notification to DHS shall be made immediately when the officer determines that the report of alleged abuse or neglect requires an immediate joint response.
- (b) Verbal, electronic transmission or hand-delivered notification to DHS of all other reports of child abuse or neglect shall be made by the end of the next business day.
- (c) Notification, when possible, should include:

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1. The name and contact information of the confidential reporter.
2. The name, address and age of the child.
3. The name and address of the child's parents or other person who is responsible for care of the child.
4. The nature and extent of the abuse or neglect, including any evidence of previous abuse or neglect.
5. The explanation given for the abuse or neglect.
6. Where the abuse or neglect occurred.
7. Identity and whereabouts of the alleged perpetrator.
8. Any other information that the person making the report believes might be helpful in establishing the cause of the abuse or neglect and the identity and whereabouts of the perpetrator.
9. The name and contact information for the assigned DHS worker and officer.

When the abuse occurs at a facility or by a person from a facility that requires a state license from the Oregon Employment Department, Child Care Division (e.g., child care facility), notification shall also be made to that agency (ORS 419B.020).

#### **330.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (ORS 418.747).

#### **330.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

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- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### 330.5.1 KARLY'S LAW

In all cases of suspicious physical injury to a child, the investigating officer shall, in accordance with any relevant county multidisciplinary team protocols, (ORS 419B.023):

- (a) Immediately photograph or caused to be photographed any visible injuries or any injuries identified by the child if practicable, and in the manner described in ORS 419B.028.
- (b) Ensure that photographs of the injuries are distributed to the designated medical professional and placed in any relevant files by the end of the next regular business day or within 48 hours, whichever occurs later (ORS 419B.028(2)).
- (c) Ensure that a designated medical professional conducts a medical assessment of the child within 48 hours or sooner, according to the child's medical needs. If a designated medical professional is unavailable for the assessment, the investigating officer must ensure that the child is evaluated by an available physician.

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### 330.5.2 INVESTIGATIONS ON PUBLIC SCHOOL PREMISES

When an investigation of child abuse is conducted on public school premises, the investigating officer shall first notify the school administrator of the investigation, unless the school administrator is a subject of the investigation. At the investigator's discretion, the school administrator or a school staff member designated by the school administrator may be present to facilitate the investigation. Prior to any interview with the affected child, the investigating officer shall be advised of the child's disabling conditions, if any (ORS 419B.045).

### 330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DHS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DHS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (ORS 415B.150):

- (a) When the child's condition or surroundings reasonably appear to jeopardize the child's welfare.
- (b) When the juvenile court has issued a valid order that the child is to be taken into protective custody.
- (c) When it reasonably appears that the child has run away from home.

### 330.6.1 NOTICE TO PARENTS

When an officer takes a child into protective custody, if possible, the officer shall:

- (a) Make reasonable efforts to immediately notify the child's parents or guardian, regardless of the time of day.
- (b) Advise the reason the child has been taken into custody.
- (c) Provide general information about the child's placement and the telephone number of the local DHS office, including any after-hours telephone numbers (ORS 419B.020).

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### **330.6.2 SAFE HAVEN PROVISION**

A parent may leave an infant who is not more than 30 days old at an authorized facility, including this department, as long as the child has no evidence of abuse (ORS 418.017).

When an infant is surrendered to this department, members of West Linn Police Department shall follow the provisions set forth in ORS 418.017.

## **330.7 INTERVIEWS**

### **330.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### **330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

## **330.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

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### **330.8.1 COURT ORDERS FOR PRESERVATION OF EVIDENCE**

When an officer is taking a child into protective custody and has reasonable cause to believe that the child has been affected by sexual abuse and rape, and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purpose of preserving evidence, if such examination is in the best interest of the child (ORS 419B.020).

### **330.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

#### **330.9.1 SUPERVISOR RESPONSIBILITIES**

The Detective Unit Supervisor should:

- (a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Unit Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

#### **330.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Unit Supervisor so an interagency response can begin.

### **330.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Oregon requires or permits the following:

#### **330.10.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy (ORS 419B.035).



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#### 330.10.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL

The Detective Unit Supervisor should ensure that current written protocols and procedures for child abuse investigations developed by the multidisciplinary child abuse team are available to all department members (ORS 418.747).

#### 330.10.3 CHILD FATALITY REVIEW TEAMS

This department should cooperate with any child fatality review team and investigation (ORS 418.785).

### **330.11 TRAINING**

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

# Missing Person Reporting

## 332.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons and compliance with the reporting requirements of 42 United States Code 5779(a) and applicable Oregon laws.

### 332.1.1 DEFINITIONS

**Missing Person** - Any person whose whereabouts are unknown to the reporting party, including, but not limited to, a child taken, detained, concealed, enticed away or retained by a parent in violation of ORS 163.245 and ORS 163.257.

Missing person also includes any child who is missing voluntarily, involuntarily or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

**At-Risk** - Includes, but is not limited to, evidence or indications of any of the following:

- (a) The person is missing under suspicious circumstances and may be victim of a crime or foul play.
- (b) The person missing is in need of medical attention or medication without which he/she may experience serious medical problems.
- (c) The person missing has no pattern of running away or disappearing
- (d) The person missing may be the victim of a parental abduction or is otherwise believed to be in the company of a person considered to be dangerous to the missing person.
- (e) The person missing is mentally impaired or considered to be a danger to self or others.
- (f) The person is likely to have been the victim of a boating, swimming or other similar accident, or may be a victim of a natural disaster.

**Child** - While Oregon considers a child to be a person under eighteen years of age, for purposes of this section federal law considers any person under the age of twenty-one years to be a child.

## 332.2 REPORT ACCEPTANCE

There is no waiting period. All personnel shall accept any report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports. Reports shall be taken on missing persons regardless of jurisdiction.

Patrol personnel should handle the initial missing person report. Department personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway (ORS 146.177).

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#### 332.2.1 INITIAL INVESTIGATION

The employee accepting the missing person report should request from the reporting party information or material likely to be useful in identifying the missing person including but not limited to:

- (a) The relationship to the reporting party and why the reporting party believes the person is missing.
- (b) Information on the missing person including alternate names the person uses, the person's date of birth, physical appearance, clothing, identifying marks, physical anomalies, surgical implants and any prosthesis used by the missing person.
- (c) The blood type of the missing person.
- (d) The driver license number and Social Security number of the missing person.
- (e) A description of items believed to be in the possession of the missing person and the description of any vehicle the missing person may have been driving or riding in at the time of disappearance.
- (f) Time and place of last known location and the identity of anyone believed to be in the company of the missing person.
- (g) History of prior missing incidents and the extent to which this incident is a departure from established behavior patterns, habits, or plans.
- (h) The physical and mental condition of the missing person and whether they are taking, and currently have with them, any medications.
- (i) The name and address of the missing person's doctor and dentist.
- (j) Any personal, family history or relationship issues that may be a factor in the person's absence, including the names and addresses of any people the missing person might visit.
- (k) Any circumstances that indicate that the missing person may be at risk of injury or death.
- (l) Any circumstances that may indicate that the disappearance is not voluntary.
- (m) Obtain recent photographs, fingerprints and/or DNA samples (such as hair) that might be available.
- (n) Attempt to identify the types and account numbers of any credit cards the missing person might have access to, and the location of any bank accounts or other financial resources.
- (o) The name and addresses of the place of employment, schools and other places frequented by the missing person.

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- (p) Whether information regarding the missing person has been entered into the Law Enforcement Data System (LEDS) Medical Database (ORS 181.735).

#### 332.2.2 CHILD UNDER TWELVE OR "AT RISK"

In cases where this agency has jurisdiction for the missing person investigation and the missing person is a person at risk, or a child less than twelve years of age, the following steps will be taken:

- (a) A supervisor will be notified.
- (b) Detectives will be notified immediately, including after hours, and will begin an investigation after an initial search by patrol personnel.
- (c) The name, physical description, clothing and any suspected vehicle that may be involved shall be broadcast to other officers on duty. The locate information may also be disseminated to other agencies as appropriate.
- (d) A preliminary search for the missing person should be initiated based on the circumstances present. If the missing person is a child, obtain consent and conduct a complete search of the residence, curtilage, outbuildings, vehicles and other likely places of concealment.

If such a case is within the investigative responsibility of another jurisdiction and is reported to this agency, the employee receiving the report shall ensure that the appropriate law enforcement agency is immediately notified and shall coordinate with that agency as is reasonably necessary to promptly transfer the case.

#### 332.2.3 CONTINUING INVESTIGATION

If the West Linn Police Department has jurisdiction for the missing person investigation, it will be assigned for follow up. On-going investigations of missing persons should include, but not be limited to, the following actions:

- (a) Obtain releases for dental and medical records, and subpoenas for credit card transactions, bank records or other financial records as necessary. Copies of dental records and skeletal x-rays, if available, should be obtained and filed.
- (b) Check hospitals and the State Medical Examiners Office for information on deceased persons matching the description of the missing person.
- (c) Consider the need for more extensive area searches and obtain sufficient resources to assist in that effort.
- (d) Conduct interviews with friends, relatives, co-workers and persons in the vicinity of the location where the missing person was last seen.
- (e) If the missing person is a child, comply with the reporting guidelines for the National Center for Missing and Exploited Children.

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- (f) Maintain contact with the relatives of the missing person and/or reporting party. Request immediate notification if they should have any contact with the missing person.
- (g) Consider the need for additional locate notices to be sent to other jurisdictions
- (h) Consider using the local media to locate the missing person with approval of the Chief of Police or his designee, and consultation with the family.
- (i) When a person reported missing to this department has not been located within 30 days after the missing person report is made, the assigned investigator shall attempt to obtain a DNA sample of the missing person or from family members of the missing person, and prepare any documentation necessary for use of the samples in conducting searches of DNA databases.

### **332.3 REPORT HANDLING**

Missing person reports require special handling and timely notifications.

#### **332.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS**

When the West Linn Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Division shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen.

#### **332.3.2 STATE AND FEDERAL NOTIFICATION**

If a missing person is under the age of 21, Records Division personnel shall enter the missing person into the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) Missing Person Files within two hours after accepting the report (42 USC 5779(a) and 42 USC 5780(3)).

### **332.4 MISSING PERSONS LOCATED**

The investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

When missing persons are located, the assigned investigator will ensure, in all cases, that all necessary clearances are submitted to remove the missing person from local information systems, LEDS and NCIC, within 12 hours. The reporting party and the family of the missing person will be notified.

- (a) Responsible and competent adults who have left home voluntarily cannot be forced to return home. In all cases, the reporting party and/or family will be notified of the well being of located missing persons. Unless criminal matters require otherwise, the desires of competent adult missing persons not to reveal their whereabouts should be honored.

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- (b) Investigators will question the missing person sufficiently to positively confirm their identity and determine whether criminal activity was involved in the disappearance.
- (c) If the missing person is a juvenile or runaway juvenile, the parents, guardians and/or reporting party should be notified as soon as practical. The handling officer should inquire into the circumstances to determine the criminal involvement of any persons including whether an abusive or neglectful home environment was a factor in the disappearance. Child Welfare should also be notified if appropriate. Runaway juveniles whenever feasible should be taken to the Clackamas County Juvenile Intake Center (CCJIC) as outlined in §324.3.
- (d) Unless required for further investigation or prosecution all information and materials obtained for the purpose of identifying the missing person shall be destroyed if the person is discovered to be living or sealed if the person is found to be no longer living (Oregon Revised Statutes 146.189(2)).

### **332.5 SCHOOL NOTIFICATION**

Investigators in coordination with the School Resource Officer should notify the school in which the missing child is enrolled and enlist their assistance in locating the child. The investigator should also request that the school flag the missing child's record and immediately notify law enforcement if any inquiry or request for the missing child's records is received.

### **332.6 FORENSIC IDENTIFICATION**

If the missing person is not located during the initial investigation, investigators should ensure that photographs, dental records, fingerprints, DNA samples and x-rays are collected and retained for future comparison to assist in the identification process. Investigators should also inform the parents or the appropriate relatives that they may give a voluntary sample for DNA testing.

If the missing person has not been located within 30 days the investigator shall ensure that a DNA sample, if available, is forwarded as directed to the Oregon State Police (Oregon Revised Statutes 146.187).

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## Public Alerts

### 334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), reverse 911, local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 334.3 RESPONSIBILITIES

#### 334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the West Linn Police Department should notify their supervisor, Shift Supervisor or Detective Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Cancelling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

### 334.4 AMBER ALERTS

The Oregon AMBER Alert is a voluntary partnership between law enforcement agencies and local broadcasters to rapidly disseminate an emergency alert to the public when a child is abducted under emergency circumstances and the child may be in danger of serious bodily harm or death.

#### 334.4.1 CRITERIA

All of the following criteria must exist before an AMBER Alert will be issued:

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- (a) There is confirmation that a child abduction has occurred.
- (b) The child is under 18 years of age.
- (c) The child may be in danger of serious bodily harm or death.
- (d) There is sufficient descriptive information about the child, abductor and/or the suspect's vehicle to believe that an immediate broadcast alert will help.
- (e) The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, either have been or will be entered into the National Crime Information Center (NCIC) system.

An AMBER Alert should not be used if the child is a runaway or has been abducted as a result of a child custody situation, unless the child may be in danger of serious bodily harm or death.

#### 334.4.2 PROCEDURE

The AMBER Alert Web Portal is used to post the appropriate alert information.

Prior to posting the AMBER Alert message, consideration should be given to ensuring adequate staffing for the tip line, 9-1-1 lines and any media line. AMBER Alerts generate significant public and media interest. It is likely that a high volume of calls from the public and media will be received. Reassigning personnel from other units or requesting mutual aid from other agencies should be considered.

- (a) The Public Information Officer, Shift Supervisor or Administrative Services/ Investigations Supervisor should consider whether to prepare a press release that includes all available information that might aid in locating the child, such as:
  - 1. The child's identity, age, physical and clothing description, including any distinguishing characteristics.
  - 2. Photograph, if available.
  - 3. The location where the abduction occurred or where the child was last seen.
  - 4. The suspect's identity, age, physical and clothing description, if known.
  - 5. Pertinent vehicle license number and description, if known.
  - 6. Detail regarding direction of travel and potential destinations, if known.
  - 7. Contact information for the Public Information Officer or other authorized individual to handle media liaison.
  - 8. A telephone number for the public to call with leads or information.
- (b) Information on the abducted child, suspect vehicle and suspect should be entered into the Law Enforcement Data System (LEDS) and NCIC as soon as feasible. The suspect's name, if known, should be entered in the "AKA" moniker field. The child's name and other critical data elements, including the child abduction (CA) and AMBER



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Alert (AA) flags, must be entered into the NCIC system in order to trigger the resources of the National Center for Missing and Exploited Children (NCMEC) and the FBI.

- (c) The Records Division will send a statewide Administrative Message (AM) via LEDS with the information. The text of the message will begin with the words, "Oregon AMBER Alert."
- (d) The information in the press release should also be forwarded to the dispatch center so that general broadcasts can be made to local law enforcement agencies.
- (e) Consideration should be given to whether to utilize the following resources:
  - 1. Federal Bureau of Investigation (FBI Local Office)
  - 2. National Center for Missing and Exploited Children 800-843-5678

The FBI and NCMEC will have received notification of the AMBER Alert via the NCIC computer entries. If needed, the Oregon State Police Missing Children Clearinghouse is available to assist agencies with any additional notifications or to serve as the liaison with NCMEC.

# Victim and Witness Assistance

## 336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

## 336.2 POLICY

The West Linn Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the West Linn Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

## 336.3 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

## 336.4 VICTIM INFORMATION

The Administrative Assistant to the Chief shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U-Visa and T-Visa application processes.

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- (i) Resources available for victims of identity theft.
- (j) A place for the officer's name, badge number and any applicable case or incident number.
- (k) A statement of legal rights and remedies available to victims of abuse, as required by ORS 133.055.
- (l) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims' Services Division for victims of domestic violence, sexual offenses, stalking or human trafficking (ORS 192.826).

#### **336.5 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

# BIAS CRIMES AND INCIDENTS

## 338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department utilizes all available resources to see that justice is served under the law. Members of this department are committed to identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

### 338.1.1 DEFINITIONS

**Bias Crime** - includes threats of or actual physical violence, property damage, or harassment, committed against a person or property that is motivated, in whole or in part, by the offender's bias against another person's race, color, religion, disability, gender identity, sexual orientation, or ethnicity/national origin. Oregon bias crimes are codified under ORS 166.155 and 166.165.

**Bias Incident** - means a person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, disability, gender identity, sexual orientation, or ethnicity/national origin, of which criminal investigation or prosecution is impossible or inappropriate.

## 338.2 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely bias crimes by:

1. Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias crimes and incidents and forming networks that address prevention and response.
2. Providing victim assistance and community follow-up or identifying available resources to do so, in accordance with the parameters within Oregon Senate Bill 577.
3. Educating community and civic groups about bias crime laws.

## 338.3 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected bias crime, bias incident, or other activity that reasonably appears to involve potential bias, the following should occur:

1. Assigned officers shall promptly contact the victim, witness, or reporting party to investigate the matter further, as circumstances may dictate.
2. A supervisor should be notified of the circumstances as soon as practicable.
3. Once the in-progress aspect of any such situation has been stabilized (i.e., treatment of victims or arrest of the suspect at the scene), the assigned officers shall take reasonable steps to preserve evidence that established a possible bias crime or incident.

## ***BIAS CRIMES AND INCIDENTS***

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4. Based upon available information, officers shall take appropriate action to mitigate further injury or damage to potential victims or the community.
5. Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
6. The assigned officers should interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a bias crime or bias incident.
7. The assigned officers shall assist bias crime and bias incident victims to make a referral to the Bias Hotline or the [StandAgainstHate.oregon.gov](https://standagainsthate.oregon.gov) website, in accordance with ORS 147.380.
8. The assigned officer shall include all available evidence indicating the likelihood of a bias crime or bias incident in relevant police reports. All related reports shall clearly be indicated as such by checking "BIAS" in the report writing program.

### **338.3.1 DETECTIVES UNIT RESPONSIBILITIES**

If a bias crime is assigned to the Detectives unit, the assigned investigator will be responsible for:

1. Coordinating further investigation with the City Attorney or District Attorney and other appropriate law enforcement agencies.
2. Maintaining contact with the victims and other involved individuals, as needed.

### **338.3.2 RECORDS DIVISION RESPONSIBILITIES**

The Records division will be responsible for maintaining statistical data and tracking of suspected bias crimes and bias incidents, as indicated by state law.

### **338.4 TRAINING**

All members of this department shall receive training on bias crime and bias incident recognition and investigation.

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## Standards of Conduct

### **340.1 PURPOSE AND SCOPE**

This policy establishes standards of conduct that are consistent with the values and mission of the West Linn Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

### **340.2 POLICY**

The continued employment or appointment of every member of the West Linn Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### **340.3 DIRECTIVES AND ORDERS**

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### **340.3.1 UNLAWFUL OR CONFLICTING ORDERS**

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

### **340.3.2 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

### **340.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Oregon Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

### **340.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

#### **340.5.1 DISCRIMINATION, OPPRESSION OR FAVORITISM**

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

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#### 340.5.2 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

#### 340.5.3 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

#### 340.5.4 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any West Linn Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.



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#### 340.5.5 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

#### 340.5.6 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on department premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
  - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on-duty at official legislative or political sessions.

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- 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

#### 340.5.7 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on--duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on-- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

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#### 340.5.8 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

#### 340.5.9 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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## Department Technology Use

### 342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

#### 342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

### 342.2 DEFINITIONS

The following definitions relate to terms used within this policy.

**Computer System** - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the West Linn Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the department.

**Hardware** - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Shall include, but is not limited to, all computer programs and applications including shareware. This does not include files created by the individual user.

**Temporary File or Permanent File or File** - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

### 342.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing in or located in or on the system.

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Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service or information when the employee is unavailable.

#### **342.4 AGENCY PROPERTY**

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

#### **342.5 UNAUTHORIZED USE OF SOFTWARE**

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer.

Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of a Division Commander and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

#### **342.6 PROHIBITED AND INAPPROPRIATE USE**

Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related web sites. Certain exceptions may be permitted with the prior approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

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Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

### **342.7 PROTECTION OF AGENCY SYSTEMS AND FILES**

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

Agency approved anti-virus software will be running on all computers that are connected to the Internet, in order to check downloaded files, e-mail and attachments for embedded viruses. Suspected problems with any security or anti-virus protections shall be promptly reported.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

#### **342.7.1 NETWORK SECURITY**

Network security protocols are established to ensure the integrity and security of the network systems. Employees shall not attempt to circumvent these protocols and shall observe the following:

- (a) Access to the network server and peripherals is locked and access is strictly limited to authorized personnel.
- (b) The network shall not be connected to any external network without a firewall in place.
- (c) No dial-up modem or work stations with dial-up modems will be connected to the network without additional authentication techniques beyond login name and password.

#### **342.7.2 SYSTEM BACK-UP**

Information Services personnel shall be responsible for establishing regularly scheduled network system back-up protocols. Retention of all system back-ups should be managed in a manner consistent with applicable provisions of the Oregon Revised Statutes and Oregon Administrative Rules.

# Report Preparation

## 344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

### 344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

### 344.1.2 CASE MANAGEMENT

Case management is the process by which the department manages its investigative resources. All reports written by the department will be sent through the case management process to determine what follow up, or action if any will be taken.

The Case Manager role is held by the Shift Sergeant.

Follow up investigations will be assigned a due date, and if the department member is unable to finish the assignment they will notify the Case Manager via the computerized notification and calendar scheduling on the City email system.

## 344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

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### 344.2.1 CRIMINAL ACTIVITY REPORTING

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy
  - 2. Domestic Violence Policy
  - 3. Child Abuse Policy
  - 4. Adult Abuse Policy
  - 5. Hate Crimes Policy
  - 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., a dispatch log).

### 344.2.2 NON-CRIMINAL ACTIVITY

If the facts support, the following incidents shall be documented using the appropriate approved report:

- (a) Any time an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence (unless the owner of the found property is contacted and the officer can either return the property or schedule pick up at the police department).
- (f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy



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- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

#### 344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Death Investigations Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths
- (b) Suicides
- (c) Homicide or suspected homicide
- (d) Unattended deaths (No physician or qualified hospice care during the period immediately preceding death)
- (e) Found dead bodies or body parts

#### 344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

#### 344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose (If the facts support).
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

#### 344.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

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- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
  - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

#### **344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports (using current practices). An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

#### **344.4 REPORT CORRECTIONS**

A sergeant or OIC shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor will flag the report in the MRE as "CORRECTION" and notify the reporting employee stating the reasons for the rejection. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

The supervisor is responsible for ensuring the report is complete, has all the necessary forms submitted, and the content of the report sufficiently articulates the officer's actions and justifications for those actions.

#### **344.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed

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reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

# News Media Relations

## 346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

## 346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police or Division Commanders has given prior approval, Sergeants, and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

### 346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative, unless that information would normally be released to the general public. As an example, if a media representative asks an officer on a perimeter "what is going on," and the officer replies to wait for the PIO, but when asked by a citizen what is going on, the officer tells them "it's a house fire, or a warrant service" that sort of general information can be told to the media, prior to the arrival of the PIO. This is for a general inquiry only, information regarding individuals, or ongoing investigations should not be released to the media or the public.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

## 346.3 MEDIA ACCESS

Authorized members of the media may be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

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- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
  - 2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). The TFR should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.
- (e) Media representatives will not be allowed to enter the inner perimeter of a tactical situation or a crime scene while an incident or investigation is in progress.

A tactical operation should be handled in the same manner as a crime scene, except that the news media may be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

#### 346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

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#### **346.4 INFORMATION SUBJECT TO RELEASE**

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Public Information Officer. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Information pertaining to a juvenile arrestee, victim, or witness shall only be released as articulated in Policy Manual § 810.43.

Identifying information concerning victims of sex crimes shall not be included in the log.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Public Information Officer. Such requests will generally be processed in accordance with the provisions of this policy.

##### **346.4.1 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The release and inspection of public records is controlled by Policy Manual § 810 and Oregon Revised Statutes 192.410 through 192.505, and the "Oregon Bar-Press-Broadcasters Joint statement of Principles" adopted in 1962 and revised in 1993

The record of an arrest or the report of a crime shall be disclosed unless there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Once the clear need to delay release is no longer present, the following information must be released.

For purposes of this subsection, the record of an arrest or the report of a crime includes:

- (a) The arrested person's name, age, residence, employment, marital status and similar biographical information
- (b) The offense with which the arrested person is charged

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- (c) The conditions of release
- (d) The identity and biological information concerning both the complaining party and the victim
- (e) The identity of the investigating and arresting agency and the length of the investigation
- (f) The circumstances of the arrest including time, place, resistance, pursuit and weapons used
- (g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice

#### 346.4.2 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Restricted information is outlined in detail in Policy Manual § 810.
- (b) Any specific operational or contingency plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity. Oregon Revised Statutes 192.501(18).
- (c) Criminal history information.
- (d) Information pertaining to pending litigation involving this department.
- (e) Information obtained in confidence.
- (f) Any information that is otherwise privileged or restricted under state or federal law.
- (g) Confidential peace officer personnel information (See Policy Manual § 1026).
  - 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act (Oregon Revised Statutes 192.502).
- (h) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (i) Investigative information other than as listed above, without the expressed authorization of the Detective Supervisor in charge of an investigation.

## Court Appearance and Subpoenas

### 348.1 PURPOSE AND SCOPE

This procedure has been established in compliance with Oregon Revised Statutes 136.595 to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

#### 348.1.1 DEFINITIONS

**On-Call** - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

**Standby** - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

**Trailing Status** - When an employee remains on standby status for additional court sessions until notified otherwise.

**Mandatory Appearance** - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

### 348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

#### 348.2.1 SERVICE OF SUBPOENA

Generally, a subpoena is served by delivering a copy to the witness personally. Proof of service is made in the same manner as in the service of a summons.

- (a) In accordance with ORS 136.595(2) and ORCP 55, this department shall accept subpoenas on behalf of currently employed peace officers who are within the state at the time of service, provided the following conditions are met:
  1. The peace officer's attendance at trial is related to work he/she performed in the course of employment as a peace officer.
  2. The subpoena is delivered to the Assistant to The Chief of Police or to the Shift Supervisor at least 10 days prior to the appearance date shown on the subpoena.



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- (b) The subpoena clerk shall make a good faith effort to notify the subpoenaed employee of the date, time and location of the court appearance. If the employee cannot be notified, the subpoena clerk will contact the court and advise them of the inability to contact the employee.

#### 348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

#### 348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the department Assistants to The Chief of Police and Captains shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department Assistant to The Chief of Police. The Assistant to The Chief of Police shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena prior to service.

#### 348.2.4 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 72-hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby is not at their residence, is unable to answer the documented phone number, or changes his/her location during the day, the employee shall notify the Assistant to The Chief of Police of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

#### 348.2.5 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with the West Linn Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

#### 348.2.6 FAILURE TO APPEAR OR REFUSAL

Any employee who fails to accept or comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

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#### **348.3 CIVIL SUBPOENAS**

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as may directed by the current bargaining agreement, or Personnel Rules.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

##### **348.3.1 PROCEDURE**

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

##### **348.3.2 CIVIL SUBPOENA ACCEPTANCE**

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Oregon Revised Code of Procedure 55 D(1).

##### **348.3.3 PARTY MUST DEPOSIT FUNDS**

The party in the civil action who seeks to subpoena an officer must deposit the statutory witness fees and mileage for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

#### **348.4 OVERTIME APPEARANCES**

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Collective Bargaining Agreement.

#### **348.5 COURTROOM PROTOCOL**

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

##### **348.5.1 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

##### **348.5.2 COURTROOM ATTIRE**

Employees shall dress in uniform, or suitable business attire as approved by the department.

#### **348.6 COURTHOUSE DECORUM**

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

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### **348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

Any member of this department who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Oregon, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.
- (c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

## Reserve Officers

### **350.1 PURPOSE AND SCOPE**

The West Linn Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

### **350.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS\_DEPUTIES**

The West Linn Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department. The minimum criteria for selection and appointment of reserve officers shall be the same as is required of regular full-time officers.

#### **350.2.1 PROCEDURE**

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

#### **350.2.2 APPOINTMENT**

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take an oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

#### **350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS\_DEPUTIES**

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

#### **350.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS**

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g. a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Human Resources Department prior to an employee serving in a reserve or volunteer capacity (29 C.F.R.553.30).

### **350.3 DUTIES OF RESERVE OFFICERS**

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours or two shifts per month as set by the departments Reserve Coordinator.

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#### **350.3.1 POLICY COMPLIANCE**

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

#### **350.3.2 RESERVE OFFICER ASSIGNMENTS**

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

#### **350.3.3 RESERVE COORDINATOR**

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to the following:

- (a) Assignment of reserve personnel.
- (b) Conducting reserve meetings.
- (c) Establishing and maintaining a reserve call-out roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring individual reserve officer performance.
- (f) Monitoring overall Reserve Program.
- (g) Maintaining liaison with other agency Reserve Coordinators.

#### **350.4 FIELD TRAINING**

The field training program shall consist of the completion of three training phases to be completed under the supervision of a Primary Training Officer, with the assistance of other training officers, as assigned by the department. During the field training period the reserve officer must complete the standard DPSST Field Training Manual as described in Policy Manual § 350.4.3.

##### **350.4.1 TRAINING OFFICERS**

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Patrol Sergeant and Reserve Coordinator approval.

##### **350.4.2 PRIMARY TRAINING OFFICER**

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

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#### 350.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the West Linn Police Department. Each section of the manual must be signed-off by both the Primary Training Officer and any other officer observing the performance. The completed manual will be submitted to the department Training Coordinator and it shall become part of the reserve officer's training file. The reserve officer shall become knowledgeable of the subject matter as outlined and proficient with those skills as set forth in the manual.

#### 350.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

#### 350.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Shift Supervisor.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

#### 350.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

#### 350.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer

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for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

#### **350.5 SUPERVISION OF RESERVE OFFICERS**

Level II reserve officer should be under the immediate supervision of a regular sworn officer. Although a reserve officer may have attained the status of a Level II reserve officer, these provisions shall continue to apply unless special authorization is received which relieves the immediate supervision requirement.

##### **350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS**

Reserve officers certified as Level II may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level II reserve officers may function under this authorization only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Shift Supervisor may assign a certified Level II reserve officer to function as above for specific purposes and duration.

##### **350.5.2 RESERVE OFFICER MEETINGS**

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

##### **350.5.3 IDENTIFICATION OF RESERVE OFFICERS**

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be similar as that worn by a regular full-time officer and have the word "Reserve" on it. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

##### **350.5.4 UNIFORM**

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

##### **350.5.5 INVESTIGATIONS AND COMPLAINTS**

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Division Commander.

Reserve officers are considered at-will employees.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

##### **350.5.6 RESERVE OFFICER EVALUATIONS**

While in training reserve officers will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases

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have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve officer.

#### **350.6 FIREARMS REQUIREMENTS**

Reserve officer have peace officer powers during his/her assigned tour of duty.

##### **350.6.1 CARRYING WEAPON ON DUTY**

It is the policy of this department to allow level II or III reserve officers to carry firearms only while on duty or to and from duty.

##### **350.6.2 IN-SERVICE TRAINING**

Reserve officers are encouraged to attend all in-service training offered to regular officers. Reserve officers are required to attend classes designated as mandatory either at one of the regular in-service sessions or one scheduled specifically for reserves.

##### **350.6.3 CONCEALED FIREARMS PROHIBITED**

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

##### **350.6.4 RESERVE OFFICER FIREARM TRAINING**

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual.

#### **350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

#### **350.8 RESERVE LEVELS**

Reserve officers become eligible to perform at different levels in the organization based on their training and experience. All reserve officers begin at Level I. The training and experience required for each level and the types of duties each is eligible to perform are listed below:



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- (a) Level I - Recruit Reserve Officer. Level I Reserves are newly appointed and are beginning their training. They do not wear a police uniform and are not permitted to carry weapons. Level I Reserves may ride with regular officers on patrol wearing civilian clothes. They perform no law enforcement functions
- (b) Level II - Reserve Officer. Level II Reserves have successfully completed the Reserve Academy including qualification with duty weapons, defensive tactics, use of force, criminal law and traffic code. Level II reserves may perform their duties in uniform, carry weapons and perform law enforcement functions under the direct supervision of a Training Officer.
- (c) Level III - Reserve Officer. Level III Reserves have successfully completed the Reserve Academy, all three phases of the Reserve Field Training Program for a total of 484 hours of Field Training. Level III Reserves are authorized to perform law enforcement functions without direct supervision a.

## Mutual Aid and Outside Agency Assistance

### 352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 352.2 POLICY

It is the policy of the West Linn Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

### 352.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

#### 352.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the West Linn Police Department shall notify his/her supervisor or the Shift Supervisor and LOCOM as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 352.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

## *Mutual Aid and Outside Agency Assistance*

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

### **352.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Supervisor.

### **352.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services/ Investigations Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - 1. The use of the supplies and equipment.
  - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to LOCOM and the Shift Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Coordinator should maintain documentation that the appropriate members have received the required training.

# Megan's Law

## **356.1 PURPOSE AND SCOPE**

This policy establishes guidelines by which the West Linn Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

## **356.2 POLICY**

It is the policy of the West Linn Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

## **356.3 REGISTRATION**

The Detective Unit Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Oregon State Police in accordance with ORS 181.598.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to report.

### **356.3.1 CONTENTS OF REGISTRATION**

Registrants shall (ORS 181.595):

- (a) Provide the information to complete the sex offender registration form and sign it.
- (b) Submit to photographs, including photographs of scars, marks or tattoos, when initially reporting and each time the registrant reports annually.
- (c) Submit to fingerprinting, if required.

## **356.4 MONITORING OF REGISTERED OFFENDERS**

The Detective Unit Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the [State of Oregon Sex Offender Inquiry System](#) .
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to Oregon State Police.

### *Megan's Law*

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The Detective Unit Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to West Linn Police Department personnel, including timely updates regarding new or relocated registrants.

#### **356.5 DISSEMINATION OF PUBLIC INFORMATION**

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the [Sex Offender Inquiry System](#) , <http://sexoffenders.oregon.gov/>, or the West Linn Police Department's website.

The Assistant to The Chief of Police shall release local registered offender information to residents in accordance with state law and in compliance with Oregon Public Records Law requests (ORS 181.588; ORS 181.589; ORS 181.592; ORS 192.410 €" 192.505).

##### **356.5.1 RELEASE NOTIFICATIONS**

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register, who are in compliance with the offender registration laws and who the law permits to be included.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The information on this website may not reflect the entire criminal history of a registered offender.
- (e) Anyone who uses information contained in the registry to harass or discriminate against registrants or commit any crime may be subject to criminal prosecution and/or civil action.

# Major Incident Notification

## 358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

## 358.2 POLICY

The West Linn Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting on- or off-duty (see the Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to an employee on- or off-duty
- Death of a prominent official
- Arrest of department employee or prominent official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Any other event likely to attract media attention

## 358.4 PATROL SUPERVISOR RESPONSIBILITY

The Patrol Supervisor is responsible for making the appropriate notifications. The Patrol Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Patrol Supervisor shall attempt to make the notifications as soon as practical.

### 358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.3, the Chief of Police shall be notified along with the Patrol Division and Administrative/ Investigations Division Commanders the Detective Sergeant if that division is affected and the Public Information Officer.

# West Linn Police Department

## West Linn PD Policy Manual

### *Major Incident Notification*

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#### 358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the Detective Sergeant shall be contacted who will then contact the appropriate detective.

#### 358.4.3 CRASH RECONSTRUCTION AND FORENSIC TEAM CALL OUT

In the event of a traffic fatality or major injury, the Patrol Supervisor shall notify the department Crash Investigator, who will then notify the Crash Reconstruction and Forensic Team (CRAFT), as appropriate.

#### 358.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer may be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

# Death Investigation

## 360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

## 360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). A supervisor shall be notified in all death investigations.

### 360.2.1 MEDICAL EXAMINER NOTIFICATION

Oregon Revised Statutes 146.090 requires that a medical examiner must be notified in the following circumstances. Any death:

- (a) Apparently homicidal, suicidal or occurring under suspicious or unknown circumstances
- (b) Resulting from the unlawful use of controlled substances or the use or abuse of chemicals or toxic agents
- (c) Occurring while incarcerated in any jail, correction facility, or in police custody
- (d) Apparently accidental or following an injury
- (e) By disease, injury or toxic agent during or arising from employment
- (f) While not under the care of a physician during the period immediately previous to death
- (g) Related to disease which might constitute a threat to the public health
- (h) In which a human body apparently has been disposed of in a manner that is offensive to the generally accepted standards of the community

The body, effects of the deceased, and any instruments or weapons related to the death shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner or Deputy Medical Examiner, and the District Attorney.

A Medical Examiner, Deputy Medical Examiner, or District Attorney, in conjunction with the West Linn Police Department and/or the county Major Crime Team, shall take custody of, or exercise control over the body, the effects of the deceased and any weapons, instruments, vehicles, buildings or premises which the medical examiner has reason to believe were involved in the death, in order to preserve evidence related to the cause and manner of death.

The members of the West Linn Police Department will work cooperatively with both the Medical Examiner's Office and the District Attorney in all death investigations.



# West Linn Police Department

## West Linn PD Policy Manual

### *Death Investigation*

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#### 360.2.2 SEARCHING DEAD BODIES

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased, a receipt shall be obtained. This receipt shall be attached to the officers report.

Officers must make a reasonable search of an individual who reasonably appears to be dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a donor refusal. If a document of gift or a refusal to make an anatomical gift is located and the individual or deceased individual is taken to a hospital, the officer must alert the hospital staff to the documentation and forward it to the hospital (ORS 97.970). Officers must consider the integrity of the scene and evidence collection issues when deciding whether a search is reasonable.

It should be emphasized that the Medical Examiner is the only person involved in a death investigation that can authorize the moving of a body, or the removal of personal effects. An officer may do so but only after consultation with the Medical Examiner and/or District Attorney's office. The removal of any items from the deceased shall be documented in the officers report.

When the deceased has medications left at the scene the officer shall ask the Medical Examiner for permission to seize and destroy any leftover medications in the deceased's name, if they are not needed as evidence or to further the investigation.

#### 360.2.3 DEATH NOTIFICATION

It is the Medical Examiners responsibility to make death notifications. On occasion the Medical Examiners Office may request this department to assist in notification of next of kin. When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made n person. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

Upon identifying the body, investigators shall attempt to locate the next of kin or responsible friends to obtain the designation of a funeral home to which the deceased is to be taken.

#### 360.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form. The report(s) shall include pictures of the scene and deceased as well as all necessary details needed to document cause and manner of death.

#### 360.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Detective Sergeant shall be notified to determine the possible need for a detective and/or the Clackamas County Major Crimes Team to respond to the scene for further immediate investigation.

# Identity Theft

## 362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. A person commits the crime of identity theft if the person, with the intent to deceive or to defraud, obtains, possesses, transfers, creates, utters or converts to the person own use the personal identification of another person (Oregon Revised Statutes 165.800). This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 362.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of "identity theft" shall initiate a report for victims residing within the jurisdiction of this department. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
  - 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should enter or have the victim enter crime information into the Internet Crime Complaint Center by going to [www.ic3.gov](http://www.ic3.gov).
- (e) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate personnel for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

## Private Persons Arrests

### 364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Oregon Revised Statutes 133.220(3).

### 364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### 364.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer (Oregon Revised Statutes 133.225).

In making an arrest, a private person may use the amount of force they reasonable believe is necessary to make the arrest or to prevent the arrested person's escape.

#### 364.3.1 SHOPLIFTER IN CUSTODY

The West Linn Police Department responds to numerous calls from service from retail establishments within the City to assist store personnel with shoplifters who have been taken into custody by security personnel. This procedure will outline the officer's responsibilities.

When a store calls regarding a shoplifter in custody, LOCOM will ascertain if the person detained is cooperative or combative, the person's name, and date of birth. The dispatchers will then assign the appropriate officer, i.e. district car, School Resource Officer etc. Dispatch will check the detained person for warrants, and advise the officers of that status while en-route, or when initially dispatching the call.

If the detained person is combative, or not cooperative, LOCOM will send two cars immediately. If the person is cooperative, only one car is dispatched.

The reports will then be forwarded to the appropriate channels by the Records Unit.

## *Private Persons Arrests*

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### **364.4 OFFICER RESPONSIBILITIES**

Any officer presented with a private person wishing to make an arrest must determine whether or not there is probable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
  - 2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
  - 1. Take the individual into physical custody for booking.
  - 2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

### **364.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Custody Report form.

In addition to the Custody Report signed by the private party (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

## Limited English Proficiency Services

### 368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000d).

#### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - Any employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

**Bilingual** - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another, an individual must possess the skill, training, and demonstrated competence to do so. For purposes of this policy, in order to be identified as bilingual, employees must initially and periodically demonstrate through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

**Interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Limited English Proficient (LEP)** - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the Department of Justice *LEP Guidance*

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### *Limited English Proficiency Services*

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to *Federal Financial Assistance Recipients* in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or its personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

#### **368.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE**

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

#### **368.3 TYPES OF LEP ASSISTANCE AVAILABLE**

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense.

Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the below described assistance methods.

##### **368.3.1 BILINGUAL PERSONNEL**

Personnel utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established department procedures, a level of competence to ascertain whether the language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions. All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when acting as a language conduit. In addition, employees who serve as interpreters

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and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other city departments who have the requisite training may be requested.

#### **368.3.2 WRITTEN FORMS AND GUIDELINES**

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

#### **368.3.3 AUDIO RECORDINGS**

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

#### **368.3.4 TELEPHONE INTERPRETER SERVICES**

The Shift Supervisor and Dispatch Supervisor will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist department personnel when communicating with LEP individuals via official cellular telephones.

#### **368.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION**

Where competent bilingual department personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see Section V(3) of the DOJ Final Guidance available at the DOJ [website](#)).

#### **368.4 LEP CONTACT SITUATIONS AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

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Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

#### **368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

#### **368.4.2 FIELD ENFORCEMENT AND INVESTIGATIONS**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.

Although not every situation can be addressed within this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

#### **368.4.3 INVESTIGATIVE INTERVIEWS**

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.



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#### **368.4.4 CUSTODIAL INTERROGATIONS AND BOOKINGS**

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

#### **368.4.5 COMPLAINTS**

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

#### **368.4.6 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

### **368.5 TRAINING**

In an effort to ensure that all personnel in public contact positions (or having contact with those in custody) are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access department-authorized, telephonic and in-person interpreters and other available resources.

The Training Coordinator shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The

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Training Coordinator shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

### **368.6 INTERPRETERS AND TRANSLATORS**

Department personnel who are called upon to interpret, translate, or provide other language assistance, will be trained annually on language skills competency (including specialized terminology) and ethical considerations.

- (a) **Assessment:** The West Linn Police Department personnel identified as bilingual, who are willing to act as authorized interpreters, will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Training Coordinator. Personnel found proficient in interpreting into and from the target language will be placed conditionally on the authorized interpreters list.
- (b) **Training:** All personnel conditionally placed on the authorized interpreter list must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the authorized interpreter list. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; demonstrate knowledge in both languages of any specialized terms or phraseology; and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal advisor.
- (c) **Refresher course for authorized interpreters:** Personnel who have been unconditionally placed on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. The Training Coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

The LEP Coordinator will ensure that the authorized interpreters list is kept current and a copy forwarded to LOCOM.

### **368.7 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES**

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

- A list of bilingual employees, languages spoken and contact and shift information
- A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information
- The telephone number and access code of telephonic interpretation services
- Language identification cards
- Translated *Miranda* warning cards and other frequently used documents

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- Audio recordings/warnings that are developed in non-English languages

#### 368.7.1 MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

The Chief of Police will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the West Linn Police Department services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the West Linn Police Department to assess whether they should be considered vital documents and be translated.

# Hearing Impaired/Disabled Communications

## 370.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA), it is therefore the policy of this department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

## 370.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

- (a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
- (b) The nature of the disability (e.g., total deafness or blindness vs. impairment)
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact, etc.)
- (d) Availability of resources to aid in communication

When considering these and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the Department or its officers.

### 370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

## 370.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication

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method shall be given primary consideration and honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances.

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to the following:

#### **370.3.1 FIELD RESOURCES**

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

- (a) Hand gestures or written communications exchanged between the employee and a deaf or hearing impaired individual
- (b) Facing an individual utilizing lip reading and speaking slowly and clearly
- (c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual

#### **370.3.2 AUDIO RECORDINGS AND ENLARGED PRINT**

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

#### **370.3.3 TELEPHONE INTERPRETER SERVICES**

The Shift Supervisor and Dispatch Supervisor will maintain a list of qualified interpreter services to be contacted at department expense to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

#### **370.3.4 TTY AND RELAY SERVICES**

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

#### **370.3.5 COMMUNITY VOLUNTEERS**

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

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#### **370.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL**

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

#### **370.4 CONTACT SITUATIONS AND REPORTING**

While all contacts, services, and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

##### **370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

##### **370.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS**

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate

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the arrestee from other prisoners, therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

- (a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- (b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.
- (c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

#### **370.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

#### **370.4.4 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

#### **370.5 TRAINING**

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this department will provide periodic training in the following areas:

- (a) Employee awareness of related policies, procedures, forms and available resources
- (b) Employees having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters and related equipment

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- (c) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff



# Stalking

## 376.1 PURPOSE AND SCOPE

This policy establishes procedures for the investigation and enforcement of stalking complaints (Oregon Revised Statutes 163.730 to 163.755).

### 376.1.1 POLICY

Stalking behavior frequently results in serious injury and emotional trauma to victims and it is the policy of the West Linn Police Department to ensure that complaints of stalking will be given high priority and that every formal stalking complaint will be thoroughly investigated and forwarded to the District Attorney's Office.

## 376.2 UNIFORM STALKING COMPLAINT

The Department will make available an Oregon Uniform Stalking Complaint form to any person desiring to file a stalking complaint regardless of where the violation is alleged to have occurred. Officers will provide reasonable assistance as necessary to petitioners to properly complete and sign the form.

Upon receipt of a Uniform Stalking Complaint, officers will review and sign the form and complete a thorough investigation. All stalking incident reports shall be forwarded to the District Attorney's Office, regardless of whether any civil or criminal action was taken, within three days (ORS 163.738(7)).

## 376.3 UNIFORM STALKING CITATION

The bottom half of the Uniform Stalking Complaint is a Uniform Stalking Citation. The citation is a civil summons for the respondent to appear at a hearing to determine if a Stalking Protective Order will be issued against the respondent. Officers will complete and attempt to serve a Uniform Stalking Citation, with a court date set for three judicial days (business days excluding holidays) from the date the citation was served, on the respondent in every case where:

- (a) The officer has received a completed Uniform Stalking Complaint, and
- (b) The officer has probable cause to believe that the elements of Oregon Revised Statutes 163.732(1), (Stalking) have occurred.

### 376.3.1 SERVICE OF STALKING CITATIONS

- (a) If the citation is served, the officer is required to advise the respondent of the court date and time and location of appearance. Officers should advise the respondent of the following:
  - 1. Engaging in behavior that alarms or coerces the petitioner may result in their arrest; and
  - 2. The contents of the citation and the state and federal law restrictions contained on the front and back of the respondent's copy of the citation; and

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3. If they fail to appear at the hearing a warrant will be issued for their arrest, as well as a Stalking Protective Order.
- (b) If a Uniform Stalking Citation is issued, attach the top three copies to the case report. Provide the pink copy to the petitioner (pink) and goldenrod copy to the respondent.
- (c) If there is probable cause to issue a citation, but the citation is not served, officers should document attempts to serve the respondent.
- (d) If the citation is served on the respondent, the DA's office will initiate the hearing process.
- (e) If the citation is served on the respondent, the petitioner should be advised that they must also appear at the hearing or the complaint will be dismissed and the Stalking Protective Order will not be issued.

### **376.4 ARREST**

Officers may arrest or cite a suspect for any criminal offense committed (including stalking) if the statutory elements have been met, as well as issue a (civil) Uniform Stalking Citation; the two actions are not mutually exclusive.

#### **376.4.1 STALKING PROTECTIVE ORDERS**

Once the court issues a Stalking Protective Order and it is served on the Respondent, officers may arrest the respondent for violating the terms of the order (Oregon Revised Statutes 163.750).

### **376.5 RESTRAINING ORDERS**

Court stalking orders and restraining orders are different and are not mutually exclusive. Stalking reports may be appropriate even if a valid restraining order is in place.

# Child Safety Policy

## 380.1 PURPOSE AND SCOPE

The West Linn Police Department recognizes that children who are subjected to traumatic events, such as the arrest of a parent or guardian, may experience negative emotional effects that can last throughout the lifetime of the individual. After such an event the child may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for officers to take reasonable steps to minimize the impact to the child when it becomes necessary to take action involving the child's parent or guardian.

### 380.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The West Linn Police Department will endeavor to create a strong cooperative relationship with Department of Human Services Child Protective Services and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

## 380.2 PROCEDURES DURING AN ARREST

When encountering an arrest situation officers should make reasonable attempts to determine if the arrestee is responsible for minor dependent children. In some cases this is obvious, such as when children are present. However, officers should inquire if the person has any other dependent minor children who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any dependent minor children.
- (b) Look for evidence of children. Officers should be mindful that some arrestees may conceal the fact that they have dependent children for fear their children may be taken from them.
- (c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child.

Whenever possible, officers should take reasonable steps to accomplish the arrest of a parent or guardian out of the presence of his/her child. Removing children from the scene in advance of the arrest will generally ensure the best outcome for the child.

Whenever it is safe to do so, officers should allow the parent to assure children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the children that both parent and children will receive appropriate care.

### 380.2.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, dependent minor children.

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Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.
  - 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.
  - 2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.
- (b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.
- (c) Notify Child Protective Services if appropriate.
- (d) Notify the Patrol Sergeant of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

#### **380.2.2 REPORTING**

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

#### **380.3 CHILD WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children, the handling officer should consider taking children into protective custody and contact Child Protective Services for placement.

Only when other reasonable options are exhausted should a child be transported to the police's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child be left unattended or without appropriate care.

## Service Animals

### 382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The West Linn Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

### 382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

#### 382.2.1 STATE LAW

Oregon law expands the definition of a service or assistance animal to include a dog or other animal designated by administrative rule that is individually trained to do work or perform tasks for the benefit of an individual (OAR 839-006-0345).

#### 382.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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#### **382.3 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the West Linn Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as the result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

## Off-Duty Law Enforcement Actions

### 388.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the West Linn Police Department with respect to taking law enforcement action while off-duty.

### 388.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency unless in the case of an intoxicated driver the action can be taken prior to the person driving and the person is obviously impaired to an obvious level and intervention is necessary to protect both the subject and public, and only then when it is safe to do so.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

### 388.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should consider refraining from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

### 388.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

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- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

#### **388.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practical, the officer should loudly and repeatedly identify him/herself as an West Linn Police Department officer until acknowledged. Official identification should also be displayed.

#### **388.4.2 INCIDENTS OF PERSONAL INTEREST**

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

#### **388.4.3 NON-SWORN RESPONSIBILITIES**

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

#### **388.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

#### **388.5 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify a Sergeant as soon as practical. The Sergeant shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.



## **Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

#### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of the City of West Linn, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances as well as state laws, and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the detection and prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature
- (d) Investigation of both criminal and non-criminal acts
- (e) The apprehension of criminal offenders
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature
- (g) The sharing of information between the Patrol and other members within the Department, as well as other outside governmental agencies
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies
- (i) Traffic direction and control

#### 400.1.2 TERRORISM

It is the goal of the West Linn Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Detective Supervisor in a timely fashion.

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#### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the West Linn Police Department.

##### **400.2.1 CRIME REPORTS**

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate division for retention or follow-up investigation.

##### **400.2.2 PATROL BRIEFINGS**

Sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

##### **400.2.3 INFORMATION CLIPBOARDS**

Several information clipboards will be maintained in the briefing room and will be available for review by officers within the Department. These will include a printout of daily activity from LOCOM and a Briefing board containing pertinent information concerning officer safety, internal memorandums, and other items of interest to members of the department.

##### **400.2.4 BULLETIN BOARDS**

A bulletin board will be kept in the briefing room and the Detective Unit for display of suspect information, intelligence reports and photographs. New Interim Directive will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Interim Directive will be placed on the briefing room clipboard and also placed on the City network "P" Drive in the policy folder.

#### **400.3 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

## Patrol Supervision and Officer In Charge (OIC)

### 401.1 PURPOSE AND SCOPE

To provide guidelines for patrol supervision and the On-Call Sergeant and establish responsibilities for officers who are designated as the shift Officer In Charge (OIC) in the absence of a Sergeant or other supervisor.

### 401.2 POLICY

The West Linn Police Department shall strive to have supervisory coverage 24 hours a day, seven days a week. This agency recognizes there may be times when no Sergeant is scheduled to work. During these times it shall be the policy of this Department to designate a qualified officer as the Officer In Charge (OIC). OIC's will be designated on the schedule and will be assigned by a shift Sergeant in advance. In the event there is no Sergeant available to designate an OIC on short notice, the most senior officer who has been selected as an OIC for that shift shall assume the responsibility as OIC for that shift. If there is not an OIC qualified officer on duty, the most senior officer shall contact the On-Call Sergeant for direction.

### 401.3 DEFINITIONS

**Officer In Charge (OIC)** - Officer selected by department command that will perform in a Lead Officer function in the absence of a shift Sergeant or other supervisor when designated.

**On-Call Sergeant** - Sergeant designated as the first supervisory contact for OIC's in the event of a major incident or as a resource to assist the OIC.

**Supervisor** - Refers to any employee with the rank of Sergeant or above.

### 401.4 PROCEDURES

The West Linn Police Department shall have no period of time greater than two consecutive patrol shifts, not to exceed fourteen hours, without a Sergeant or other supervisor on duty. Overtime will be posted and filled by a Sergeant for any time period in excess of two shifts without a Sergeant or other designated supervisor on duty.

During any time when the Detective Sergeant and/or a Captain is on duty, this will meet the requirements of having a Sergeant or supervisor on duty only if that person is aware and is available to monitor the radio and respond to calls. If these criteria are not met then overtime shall be posted to be filled by a Sergeant or an OIC shall be designated.

If a Captain or Detective Sergeant is acting in the capacity of a patrol supervisor they shall be in uniform and able to respond to calls to be considered as a part of minimum staffing requirements. If minimum staffing is met, they will not be required to be in uniform but will still be required to monitor the radio and respond to calls in a supervisory roll. If they are not able to be in uniform then an officer will be called in to meet minimum staffing in accordance with the current CCPOA Collective Bargaining Agreement.

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### *Patrol Supervision and Officer In Charge (OIC)*

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- (a) **On-Call Sergeant** - The Department shall designate a Sergeant at all times for On-Call purposes. The On-Call Sergeant will be a rotating position assigned to patrol Sergeants. On-Call Sergeant schedules and rotations will be for a period of time approved by the Patrol Captain and a schedule will be posted in a conspicuous place in the briefing room and will include a contact phone number.
1. On-Call Sergeants shall be available by phone and able to respond to an incident within a reasonable amount of time at all times during their on-call rotation. The On-Call Sergeant is expected to be able to immediately monitor the radio at all times while on call when they have been contacted by the shift OIC in the event of an incident that does not require their response to the scene (i.e. Elude).
  2. In the event the On-Call Sergeant knows they will not be available during their rotation (i.e. Out of town or alcohol consumption) it shall be their responsibility to arrange for a Sergeant to take their place. This information will be posted in a conspicuous place in the briefing room, and LOCOM will be notified.
  3. In the event there is no Sergeant or other supervisor on duty and no qualified OIC on duty, the On-Call Sergeant shall report for duty until relieved by a Sergeant or other supervisor or a qualified OIC. If the On-Call Sergeant is required to respond for duty or to an incident they shall be compensated in accordance with the approved call back policy. The sergeant tasked with patrol scheduling will ensure LOCOM has a current schedule of On-Call Sergeant assignments.
- (b) **Officer In Charge (OIC)** - OIC's are responsible for the safe, effective operation of the Department and carry authority as outlined in this policy during the duration of their assignment. The selection process for OIC's will be determined by the Chief of Police.
1. **Briefing** - The assigned OIC will be responsible for conducting the shift briefing. This will include assignment of districts and vehicles and ensuring personnel are fit for duty in accordance with Department policy 340.3 (Conduct). OIC's will review the logs from LOCOM and LEDS printouts and receive a brief turnover from the off-going supervisor or OIC and pass on any important information to their shift. Patrol: The OIC may be responsible for an assigned district at their discretion. They will handle calls for service in their assigned district as usual.
  2. The OIC will be responsible for monitoring calls assigned to other officers and be available for advice or assistance.
  3. **Major Incident Response** - The OIC will make notification of major incidents to the On-Call Sergeant and up the chain of command if needed. OIC's are responsible for notifying the Chief of Police, via the chain-of-command, whenever one of the following incidents occurs. If specific officers in the chain of command are unavailable, the OIC shall personally contact the Chief of Police.
    - (a) A member of the Department is killed or injured and hospitalized.

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### *Patrol Supervision and Officer In Charge (OIC)*

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- (b) An immediate family member of a Department member is killed or seriously injured.
  - (c) A City official is killed or seriously injured, either within the City or elsewhere, and when any other public official is killed or seriously injured within the jurisdiction.
  - (d) The filing of a complaint of serious misconduct against a member of the Department.
  - (e) The arrest of a member of the Department.
  - (f) Criminal accusation against a governmental official, or the arrest of a governmental official or a member of his/her immediate family.
  - (g) Serious injury requiring hospital treatment of a person placed under arrest.
  - (h) Homicide or possible fatal injuries to the victim of a crime.
  - (i) Kidnapping
  - (j) Bombing
  - (k) Sniping
  - (l) Barricaded person
  - (m) Hostages being held
  - (n) Shooting in which a member of the Department is involved.
  - (o) Death or serious injury resulting from an accident in which a police vehicle is involved.
  - (p) A major civil or criminal disturbance requiring police response.
4. In addition, the Chief of Police is to be informed of anything which, in the judgment of the OIC, should be brought to his/her attention, including for example, politically sensitive incidents, and unusual or spectacular incidents of high public interest.
5. When the OIC arrives at the scene of a major incident he/she will be responsible for ensuring the following actions take place:
- (a) Containment of the scene including establishing a perimeter if appropriate.
  - (b) Locating and securing suspects and witnesses.
  - (c) Initial officer assignments.
  - (d) Locating evidence.
  - (e) Ensuring the safety of all persons involved.

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### *Patrol Supervision and Officer In Charge (OIC)*

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6. **Pursuit** - Upon being notified or becoming aware of a pursuit, the OIC shall assert control over the pursuit and has the discretion to order specific units into or out of the pursuit. The OIC may at any time order the termination of a pursuit when believing that immediate apprehension is outweighed by the level of danger created by the pursuit. OIC will notify the on-call sergeant of the pursuit when time permits.
7. **Equipment and Personnel** - The OIC will ensure the shift is staffed with the minimum number of required officers. In the event of an officer calling in sick or going home injured or sick and leaving the shift short staffed, the OIC will fill the vacant spot in accordance with the current CCPOA Collective Bargaining Agreement. The OIC will make arrangements to have damaged or mechanically defective vehicles taken to the city shops for repair and send notice to city shops personnel. The OIC will ensure that all specialty equipment that is normally stored in the supervisor vehicles is made available to officers during the shift, either by operating the supervisor vehicle or placing the equipment temporarily into the OIC's vehicle for that shift.
8. The OIC will notify the On-Call Sergeant in the event of an accident involving a police vehicle. The OIC will notify the On-Call Sergeant in the event of an injury to an officer that requires medical attention or that officer to be relieved of duty.
9. Officers will follow the directions of the OIC in accordance with Department policy 340.3.5 (Compliance with Orders/Insubordination).
10. The OIC will be the point of contact for the West Linn Police Department in the event of an agency assist request or media request. However media requests should be directed to the departments PIO.
11. **Citizen Complaints** - If an OIC receives a complaint from a citizen regarding an officer the OIC shall obtain contact information from the complainant and record in writing any complaint made and forward that information to a Sergeant per Department policy 1020 (Complaints).
12. The OIC will not be responsible for the following:
  - (a) Scheduling Holiday and Vacation time off.
  - (b) Internal Investigations and Citizen Complaint Investigations
  - (c) Imposition of discipline.
  - (d) Press releases

## Racial or Bias-Based Profiling

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that members of the West Linn Police Department do not engage in racial or bias-based profiling or violate any related laws while serving the community (ORS 131.920).

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Racial or bias-based profiling** - An inappropriate reliance on factors such as race, ethnicity, color, national origin, language, religion, sex, sexual orientation, gender, gender identity, economic status, homelessness, age, cultural group, disability political affiliation or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service (ORS 131.915).

### 402.2 POLICY

The West Linn Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, color, ethnicity or nationality, religion, sex, sexual orientation, gender, gender identity, economic status, homelessness, age, cultural group, disability, political affiliation or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

### 402.3 RACIAL OR BIAS-BASED PROFILING PROHIBITED

Racial or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

### 402.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial or bias-based profiling to a supervisor.

#### 402.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.



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### *Racial or Bias-Based Profiling*

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To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **402.5 SUPERVISOR RESPONSIBILITY**

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

#### **402.6 STATE REPORTING**

The Department shall provide LECC (ORS 131.925):

- (a) A profiling complaint report form summarizing each profile complaint, the disposition of the complaint, and a copy of each profiling complaint once each year, no later than January 31.

#### **402.7 TRAINING**

Training on racial or bias-based profiling and review of this policy should be conducted as directed by the Training Coordinator.

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# Briefing Training

## 404.1 PURPOSE AND SCOPE

Briefing training is generally conducted before a patrol officer's assigned shift. Briefing training provides an opportunity for important exchange between employees and supervisors. A supervisor or OIC generally conducts Briefing training; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new Interim Directive or changes in Interim Directive
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

## 404.2

## 404.3

# Crime and Disaster Scene Integrity

## 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## 406.2 POLICY

It is the policy of the West Linn Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

## 406.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

## 406.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

## *Crime and Disaster Scene Integrity*

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### **406.5 SEARCHES**

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### **406.5.1 CONSENT**

When possible, officers should seek written consent to search from authorized individuals prior to the search occurring. However, recognizing that the demands of each situation are different, verbal consent is recognized as a valid method of consent. Nothing prohibits obtaining consent as an additional authorization in cases where a search warrant has been granted.

### **406.6 ADMINISTRATIVE SERVICES/ INVESTIGATIONS DIVISION COMMANDER RESPONSIBILITIES**

The Administrative Services/ Investigations Division Commander is responsible for ensuring the equipment, supplies, and procedures are present to ensure the collection of evidence and integrity at crime and disaster scenes.

### **406.7 EXECUTION OF HEALTH ORDERS**

Any sworn member of this department is authorized to execute and enforce lawful orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (ORS 433.156).

## Ride-Along Policy

### 410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

#### 410.1.1 ELIGIBILITY

The West Linn Police Department Ride-Along Program is offered to interested parties, relatives, residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under the age of 15-years
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

#### 410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions established by the Patrol Division Commander.

### 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by a Sergeant. The participant will complete a ride-along waiver form and it will be submitted to the records division. Information requested will include a valid ID or Oregon driver's license, address, and telephone number. If the participant is under 18-years of age, a parent/guardian must be present to complete the Ride-Along Form. In the event the records division is not available, a Sergeant may perform the background check and submit the ride along form to the records division.

The Sergeant will schedule a date, based on availability and when practical, at least one week after the date of application. If approved, a copy will be forwarded to the respective shift Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

#### 410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Chaplains, police applicants, and all others with approval of the Patrol Commander.

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## West Linn PD Policy Manual

### *Ride-Along Policy*

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. No more than one ride-along will be allowed in the officer's vehicle at a given time.

#### **410.2.2 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The On-duty supervisor may refuse a ride along to anyone not properly dressed.

#### **410.2.3 PEACE OFFICER RIDE-ALONGS**

Should an officer with this department ride along with another law enforcement agency while off-duty, the off-duty West Linn officer shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

If an officer from another agency conducts a ride along with an officer from this agency, the officer from the other agency will be considered off-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

#### **410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK**

All Ride-along applicants are subject to a criminal history check. The criminal history check will include a local records check, NCIC, CCH, and DMV records checks via LEDS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the West Linn Police Department). The results of these inquiries will be forwarded with the request to the on-duty Supervisor who will approve or disapprove the ride-along and schedule the appointment.

#### **410.3 OFFICER'S RESPONSIBILITY**

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

#### **410.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer

# West Linn Police Department

## West Linn PD Policy Manual

### *Ride-Along Policy*

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- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person
- (g) Under no circumstances will a West Linn Police Department patrol vehicle be involved in a pursuit if there is a civilian ride-along in that vehicle

# Hazardous Material Response

## 412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. The following is to be the policy of this department.

### 412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed. See Oregon Revised Statutes 453.005(7) for a complete list.

## 412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting).
- (b) Notify Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of immediate area and surrounding areas dependent on substance.

## 412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the appropriate Division Commander. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

### 412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.



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## West Linn PD Policy Manual

### *Hazardous Material Response*

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To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

The employee or employees supervisor if the employee is unable, will complete a Workers Compensation form if an injury is diagnosed Oregon Revised Statutes 656.265. If an injury is not apparent but exposure to a hazardous substance is possible, the employee will complete an incident report indicating the circumstances of the event and the potential of an exposure.

# Hostages and Barricaded Suspects

## 414.1 PURPOSE AND SCOPE

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

### 414.1.1 DEFINITIONS

**Hostage** - A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

**Barricaded Suspect** - A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

## 414.2 HOSTAGE NEGOTIATIONS

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy Manual § 300, with particular regard directed toward the safety of hostages. Consideration should be given to notifying the Clackamas County SWAT Team in any incident involving a hostage and/or barricaded suspect.

## 414.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation should consider addressing the following as time and resources permit:

- (a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel
- (b) Notification of tactical and hostage negotiation personnel
- (c) Notification of appropriate persons within and outside the agency, such as command officers, dog handlers
- (d) Establishment of inner and outer perimeters
- (e) Evacuation of bystanders and injured persons
- (f) Establishment of central command post and appropriate chain of command
- (g) Request for ambulance, rescue, fire and surveillance equipment
- (h) Authorization for news media access and news media policy
- (i) Pursuit/surveillance vehicles and control of travel routes

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## *Hostages and Barricaded Suspects*

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### **414.4 REPORTING**

Unless otherwise relieved by a supervisor, the initial officer at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

## Response to Bomb Calls

### 416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

### 416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Shift Supervisor including:
  - 1. The stated threat.
  - 2. Exact comments.
  - 3. Time of discovery.
  - 4. Exact location of the device.
  - 5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

## *Response to Bomb Calls*

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### **416.3 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate actions to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

#### **416.3.1 NOTIFICATIONS**

When an explosion has occurred, the following people shall be notified as soon as practical if their assistance is needed:

- (a) Tualatin Valley Fire and Rescue
- (b) EMS
- (c) Metro Explosive Disposal Unit
- (d) Command
- (e) Additional field officers
- (f) Supervisor
- (g) Detectives
- (h) Major Crimes Team

#### **416.3.2 CROWD CONTROL**

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

#### **416.3.3 SCENE OF INCIDENT**

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

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### *Response to Bomb Calls*

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#### **416.4 BOMB THREATS RECEIVED AT POLICE FACILITY**

This procedure shall be followed should a bomb threat call be received at the police facility.

##### **416.4.1 BOMB THREATS RECEIVED BY TELEPHONE**

The following questions should be asked if a bomb threat call is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

##### **416.4.2 RESPONSIBILITIES**

The employee handling the call shall ensure that the Patrol Supervisor is immediately advised and fully informed of the details. The Patrol Sergeant will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

## Mental Illness Commitments

### 418.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person is to be committed to a mental health unit pursuant to Oregon Revised Statutes 426.070 to 426.228. The commitment of a person to a treatment facility or other confinement is controlled by Oregon Revised Statutes 426.070 through 426.225. Oregon Revised Statutes 426.228 authorizes peace officers to take mentally ill persons into custody.

### 418.2 AUTHORITY

An officer may take into custody a person the officer has probable cause to believe is dangerous to him/herself or to any other person and is in need of immediate care, custody or treatment for mental illness. An officer shall also take a person into custody at the direction of the community mental health program director when the director has probable cause to believe the person is imminently dangerous to him/herself or to another person. The director is mandated to prepare a report for the officer to deliver to the treating physician (ORS 426.228).

The officer shall transport the person to the nearest facility approved by the Oregon Health Authority (OHA) or will transfer custody of the person to a mental health representative authorized under ORS 426.233(3). At the facility or upon transfer, the officer shall ensure that a report is prepared and delivered to the treating physician or the person taking custody. The report shall state (ORS 426.228):

- (a) The reason for custody.
- (b) The date, time and place the person was taken into custody.
- (c) The name and phone number of the Community Mental Health Director.

If, upon delivery of the person to the facility, the attending physician finds the person is not in need of emergency care or treatment for mental illness, the person is to be released from custody. The officer or the program director shall return the person to the place where he/she was taken into custody, unless the person declines that service.

### 418.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected or actual mentally disabled individual, a Police Officer Hold or other mental commitment, should consider utilizing the following as time and circumstances reasonably permit:

- (a) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities, including the Law Enforcement Data System (LEDS) Medical Database.
- (b) Conflict resolution and de-escalation techniques.
- (c) Language that is appropriate for interacting with a mentally disabled person.

## *Mental Illness Commitments*

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- (d) If circumstances permit, alternatives to deadly force.
- (e) Any available community resources that can assist in dealing with a mentally disabled individual.

### **418.3.1 TRANSPORTATION**

When transporting any individual for a mental illness commitment, the handling officer should have LOCOM notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed.

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those that are medically unstable may be restrained and transported by ambulance and ambulance personnel.

The officer will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member and remain until notified by a staff member that they may leave.

If transportation to an appropriate facility will require more than one hour to accomplish, the transporting officer must obtain, if possible, medical clearance from an attending physician who has examined the person within the last 24 hours who certifies that the person is in need of immediate care or treatment for mental illness and that travel will not be detrimental to the person's physical health (ORS 426.228(3)).

### **418.3.2 RESTRAINTS**

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

### **418.3.3 MENTAL HEALTH DOCUMENTATION**

The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

### **418.3.4 SECURING OF WEAPONS**

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police vehicle.

## **418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME**

When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the Clackamas County Jail before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.



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### *Mental Illness Commitments*

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#### **418.5 SEIZING OF FIREARMS**

Whenever a person has been detained or apprehended for examination pursuant to ORS 426.228 and is found to have in his/her possession or under his/her direct control, any firearm, the weapon should be taken into temporary custody for safekeeping by the handling officer. Any weapons seized shall be booked into property pending disposition.

The firearm should be seized as evidence if appropriate. Officers shall document the violation in a crime report.

This policy does not provide an officer with the authority or permission to conduct a search for weapons beyond that allowed under the law.

##### **418.5.1 RETURN OF CONFISCATED FIREARMS**

Any firearm taken into custody for safekeeping under section 418.5 will be returned to the lawful owner upon request unless the owner is prohibited from possessing firearms by court order, parole or probation terms or pursuant to ORS 166.250.

Prior to releasing any weapon, property personnel shall be required to ensure that the person is lawfully eligible to possess the weapon.

A seized weapon shall be eligible for release to the lawful owner or other authorized individual unless such weapon is evidence in a criminal matter or there is other independent lawful reason to retain custody of the weapon.

## Citation Releases

### 420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the West Linn Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

### 420.2 RELEASE

A suspected offender may be released on issuance of a criminal citation if the officer has probable cause to believe that the person has committed a misdemeanor or has committed any felony that is subject to misdemeanor treatment under ORS 161.705 (reduction of certain felonies to misdemeanors) (ORS 133.055).

#### 420.2.1 CITATION RELEASES ON WARRANTS

If the offense is not excluded under ORS 133.055, the court may authorize an officer to issue and serve a criminal citation in lieu of arrest (ORS 133.110).

### 420.3 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

- (a) The officer has probable cause to believe that the person has been served a valid restraining order as described in ORS 133.310 (orders relating to stalking, elder and disability abuse, sexual abuse) and the person has violated the terms of the order (ORS 133.310).
- (b) The officer has probable cause to believe that the person has been charged with an offense under ORS 135.230 through ORS 135.290 (sexual offenses, domestic violence, methamphetamine crimes), and is presently released and has failed to comply with a no contact condition to the release agreement (ORS 133.310).
- (c) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others (release may occur as soon as this condition no longer exists).
  - 1. Any officer encountering a person who is intoxicated or under the influence of controlled substances in a public place and who is incapacitated, whose health appears to be in immediate danger, or there is reasonable cause to believe the person is dangerous to him/herself or to any other person, shall transport the individual to the nearest appropriate treatment facility or sobering facility (ORS 430.399).

See the Domestic Violence Policy for release restrictions related to those investigations.

### 420.4 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.

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### *Citation Releases*

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- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

#### **420.5 POLICY**

The West Linn Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

# Arrest or Detention of Foreign Nationals

## 422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his or her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the US Department of State website.

### 422.1.1 DEFINITIONS

**Foreign National** - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**Immunity** - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

## 422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

## 422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

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### *Arrest or Detention of Foreign Nationals*

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#### **422.3.1 DIPLOMATIC AGENTS**

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

#### **422.3.2 CONSULAR OFFICERS**

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

#### **422.3.3 HONORARY CONSULS**

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

#### **422.4 IDENTIFICATION**

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

#### **422.4.1 VEHICLE REGISTRATION**

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have Oregon license plates with an "honorary consul"

## *Arrest or Detention of Foreign Nationals*

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label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

### **422.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

#### **422.5.1 CITABLE OFFENSES**

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

- (a) Identification documents are to be requested of the claimant
- (b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear
- (c) The violator shall be provided with the appropriate copy of the notice to appear

#### **422.5.2 IN-CUSTODY ARRESTS**

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an

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## *Arrest or Detention of Foreign Nationals*

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individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions	Diplomatic Security Service
San Francisco, CA	915 Second Avenue, Room 3410
(415) 744-2910, Ext.. 22 or 23	
(415) 744-2913 FAX	Seattle, WA 98174
(0800-1700 PST)	(206) 220-7721
	(206) 220-7723 FAX
Office of Foreign Missions	Department of State
Diplomatic Motor Vehicle Office	Diplomatic Security Service
Washington D.C.	Command Center
(202) 895-3521 (Driver License Verification) or	Washington D.C.
(202) 895-3532 (Registration Verification)	(202) 647-7277
(202) 895-3533 FAX	(202) 647-1512
(0815-1700 EST)	(Available 24 hours)
	(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and

## *Arrest or Detention of Foreign Nationals*

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obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

### **422.6 TRAFFIC COLLISIONS**

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

#### **422.6.1 VEHICLES**

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

#### **422.6.2 REPORTS**

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Shift Supervisor/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

### **422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

Officers may only arrest foreign nationals not claiming diplomatic or consular immunity under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest



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### *Arrest or Detention of Foreign Nationals*

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- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance
- (c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the United States.

Because undocumented presence is strictly a federal civil violation, it is only enforceable by federal officers therefore officers of this department shall not arrest foreign nationals solely for undocumented presence. Officers shall not stop or detain persons solely for determining immigration status.

#### 422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact LOCOM as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide LOCOM with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the foreign national claims citizenship of one of the countries listed by the US Department of State as requiring mandatory consular notification, officers shall provide LOCOM with the information above as soon as practical whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of treaty obligations with the particular countries. The list of mandatory notification countries and jurisdictions can be found on the US Department of State website.

#### 422.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time LOCOM was notified of the foreign national's arrest/detention and his/her claimed nationality.

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## Rapid Response and Deployment

### 424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

### 424.2 POLICY

The West Linn Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the [Department/Office] in protecting themselves or others from death or serious injury.

### 424.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### 424.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

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- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

### **424.5 PLANNING**

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

### **424.6 TRAINING**

The Training Coordinator should include rapid response to critical incidents in the training plan. This training should address:

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### *Rapid Response and Deployment*

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- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

# Immigration Violations

## **428.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to members of the West Linn Police Department for investigating and enforcing immigration laws.

## **428.2 POLICY**

It is the policy of the West Linn Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

## **428.3 VICTIMS AND WITNESSES**

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Oregon Constitutions.

## **428.4 ENFORCEMENT**

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8 of the United States Code dealing with illegal entry. This department does not participate in routine immigration investigation and enforcement activities. However, an officer may arrest any person who is the subject of an arrest warrant issued by a federal magistrate for a criminal violation of federal immigration laws (ORS 181.850).

### **428.4.1 BASIS FOR CONTACT**

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of an immigration violation shall not be the sole basis for contact, detention or arrest (ORS 181.850).

## **428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Generally, an officer will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges. Notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

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### **428.6 ICE REQUEST FOR ASSISTANCE**

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

### **428.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

#### **428.7.1 IMMIGRATION HOLDS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

### **428.8 U VISA AND T VISA NON-IMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Unit supervisor assigned to oversee the handling of any related case. The Detective Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

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- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

## Emergency Utility Service

### **430.1 PURPOSE AND SCOPE**

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are routed through LOCOM. Requests for such service received by this department should be handled in the following manner.

#### **430.1.1 BROKEN WATER LINES**

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by LOCOM.

#### **430.1.2 ELECTRICAL LINES**

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

#### **430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.**

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### **430.1.4 EMERGENCY NUMBERS**

A current list of emergency personnel who are to be called for utility emergencies is maintained by LOCOM.

### **430.2 TRAFFIC SIGNAL MAINTENANCE**

Upon observing a damaged or malfunctioning signal, the officer will advise LOCOM of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency. Officers have the responsibility address any hazard caused by malfunction of any inoperative or malfunctioning signal.



# Field Training and Evaluation Program

## **436.1 PURPOSE AND SCOPE**

The Field Training and Evaluation Program (FTEP) is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the West Linn Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training and Evaluation Program complies with DPSST training requirements and that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

## **436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING**

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

### **436.2.1 SELECTION PROCESS**

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of three years of patrol experience.
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTO's
- (f) Possess a DPSST Basic Certificate

### **436.2.2 TRAINING**

An officer selected as a Field Training Officer shall successfully complete an approved Field Training Officer's Course prior to being assigned as an FTO.

## **436.3 FIELD TRAINING AND EVALUATION PROGRAM SUPERVISOR**

The FTEP coordinator will be appointed by the Chief of Police and report to the Patrol Division Commander or his/her designee.

The responsibilities of the FTEP coordinator include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.

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- (e) Monitor individual FTO performance.
- (f) Monitor overall FTEP Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

### **436.4 TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the West Linn Police Department who has successfully completed a DPSST approved Basic Academy.

### **436.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 16 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers and shifts during their Field Training Program.

#### **436.5.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the West Linn Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the West Linn Police Department.

### **436.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

#### **436.6.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

- (a) Complete and submit a detailed written evaluation on the performance of his/her assigned trainee to the FTO program coordinator on a daily basis.
- (b) Review the Daily Observation Report (DORs) with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

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- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

### **436.6.2 IMMEDIATE SUPERVISOR**

The immediate supervisor shall review the Daily Observation Reports and forward them to the FTEP Coordinator for approval. The supervisor will prepare a bi-weekly supervisor's evaluation and forward it along with the FTO's evaluations.

### **436.6.3 FIELD TRAINING ADMINISTRATOR**

The Field Training Coordinator will review and approve the Daily Observation Reports submitted by the FTO through his/her immediate supervisor.

### **436.6.4 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training and Evaluation Program.

## **436.7 DOCUMENTATION**

All documentation of the Field Training and Evaluation Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Observation Reports
- (b) End of phase evaluations
- (c) Supervisor's evaluation
- (d) The completed Field Training Manual
- (e) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

# Inventory of Persons in Custody

## 439.1 PURPOSE AND SCOPE

This policy is intended to govern the process for conducting an inventory of the personal possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search and seize possessions for other purposes.

## 439.2 DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

**Valuables** - Cash money of an aggregate amount of \$50 or more; or individual items of personal property with a value of over \$500.

**Open container** - A container which is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.

**Closed Container** - Means a container whose contents are not exposed to view.

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- (a) The imposition of restraint as a result of an 'arrest' as that term is defined at ORS 133.005(1);
- (b) The imposition of actual or constructive restraint by a police officer pursuant to a court order;
- (c) The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 426; or
- (d) The imposition of actual or constructive restraint by a police officer for the actual purpose of taking the restrained person to an approved facility for the involuntary confinement of person pursuant to Oregon Law.

**Police Officer** - Any officer of the West Linn Police Department

## 439.3 PROCEDURE

- (a) An officer will inventory the personal property in the possession of a person taken into custody and such inventory will be conducted whenever:
  - 1. Such person will be either placed in a secure police holding room or transported in the secure portion of a police department vehicle; or
  - 2. Custody of the person will be transferred to another law enforcement agency, correctional facility, or 'treatment facility' as that phrase is used in ORS 426.460 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statute.

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### *Inventory of Persons in Custody*

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- (b) The purpose of the inventory of a person will be to:
  - 1. Promptly identify property to establish accountability and avoid spurious claims to property.
  - 2. Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the officer for safekeeping;
  - 3. Assist in the prevention of theft of property.
  - 4. Locate toxic, flammable or explosive substances;
  - 5. Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; or
  - 6. Reduce the danger to persons and property.
- (c) Inventories of the personal property in the possession of such persons will be conducted according to the following procedures:
  - 1. An inventory will occur prior to placing such person into a holding room or a police vehicle, whichever occurs first. However, if there is a reasonable suspicion to believe that the safety of the officers or persons in custody is at risk, an inventory will be done as soon as is safely practical prior to the transfer of custody to another law enforcement agency or facility.
  - 2. To complete the inventory of the personal property in the possession of such person, the officer will remove all items of personal property from clothing worn by such person. In addition, the officer will also remove all items of personal property from all open containers in the possession of such person.
  - 3. Inventories of the contents of a closed container in the possession of such person should only be conducted when:
    - (a) The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room; or
    - (b) Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or
    - (c) The closed container is designed for carrying money and/or small valuables on or about the person. This includes, but is not limited to, closed purses, closed wallets, closed backpacks, closed briefcases and closed fanny packs.
    - (d) Valuables found during the inventory process will be noted by the officer in a report as directed by the Police Department.

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### *Inventory of Persons in Custody*

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- (d) All items of personal property not left in the immediate possession of the person in custody and not left with the facility or agency accepting custody of the person will be handled in the following manner:
  - (a) A property receipt will be prepared listing the property to be retained in the possession of the City and a copy of that receipt will be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person; and
  - (b) The property shall be logged in as safekeeping, placed into a property locker and left for the evidence custodian for future release to the owner.
- (e) All items of personal property not left in the immediate possession of the person in custody and not dealt with as provided in subsection d above, will be released to the facility or agency accepting custody of the person so that they may hold the property for safekeeping on behalf of the person in custody.
- (f) Reporting Officers shall document all inventories of a person in the appropriate written report.

# Field Interviews & Photographing of Field Detainees

## 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

## 440.2 DEFINITIONS

**Detention** - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

**Consensual Encounter** - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field Interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

**Field Photographs** - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing considered field photographs.

**Frisk or Pat-Down Search** - This is the normal type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others (Oregon Revised Statutes 131.625).

**Reasonable Suspicion** - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Stop** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion that the person has committed, or is about to commit a crime. (Oregon Revised Statutes 131.615).

## 440.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when

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### *Field Interviews & Photographing of Field Detainees*

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taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

#### 440.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the West Linn Police Department to strengthen our community involvement, community awareness and problem identification.

#### 440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.



## *Field Interviews & Photographing of Field Detainees*

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- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

### **440.4 FRISK OR PAT-DOWN SEARCHES**

A frisk or pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess a dangerous or deadly weapon and presents a danger to the officer or other persons present (Oregon Revised Statutes 131.625). Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (c) The appearance and demeanor of the suspect.
- (d) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (e) Statements made by the suspect, witnesses or other persons.

### **440.5 FIELD PHOTOGRAPHS**

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

#### **440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

#### **440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in, or was about to become involved in, criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

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### *Field Interviews & Photographing of Field Detainees*

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#### **440.6 SUPERVISOR RESPONSIBILITY**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

# Mobile Data Center

## 448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between [department/office] members and LOCOM.

## 448.2 POLICY

West Linn Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

## 448.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any [department/office] technology system (see the Information Technology Use Policy for additional guidance).

## 448.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Supervisors.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the [Department/Office]. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

Any agency using a terminal to access the Law Enforcement Data System (LEDS), whether directly or through another agency, is responsible for adhering to all applicable LEDS rules and policies and must ensure that unauthorized persons are not given access or allowed to view LEDS information.

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### **448.4.1 USE WHILE DRIVING**

Use of the MDC by the emergency vehicle operator should be limited to times when the vehicle is stopped. However, because police officers are emergency responders use of the MDC while the vehicle is in motion is authorized if/when the situation warrants the use. This does not relieve the operator from their primary duty to drive with due regard for the safety of all persons and property.

### **448.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Shift Supervisor or other [department/office]-established protocol, all calls for service assigned by a [dispatcher] should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a [dispatcher].
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

### **448.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

### **448.5.2 EMERGENCY ACTIVATION**

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Supervisor are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

### **448.6 EQUIPMENT CONSIDERATIONS**

#### **448.6.1 MALFUNCTIONING MDC**

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify LOCOM. It shall

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be the responsibility of the [dispatcher] to document all information that will then be transmitted verbally over the police radio.

#### 448.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

## Medical Marijuana

### 452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Department with guidelines for handling and distinguishing between claims of medical marijuana use under Oregon's Medical Marijuana Act (OMMA) and criminal controlled substance violations (Oregon Revised Statutes 475.300 - 475.346).

#### 452.1.1 DEFINITIONS

The following definitions apply for the purpose of this section:

**Applicant** - A person who has submitted an application to the Oregon Health Authority (OHA) for an identification card. A copy of the application shall be considered a valid registration pending approval or denial by OHA.

**Authorized amount** - A registrant or applicant, his/her primary caregiver and a person responsible for a registered grow site may not collectively possess more than six mature plants and 24 ounces of usable marijuana. Mature plants are those over 12 inches tall (ORS 475.320).

- (a) A registrant or applicant, and his/her primary caregiver may collectively possess up to 18 immature plants (seedlings or starts).
- (b) A person responsible for a registered grow site may not possess more than 18 immature plants for each registrant posting a grow site registration card.
- (c) The holder of a Marijuana Registration Identification Card (MRIC) may possess up to 24 ounces of usable marijuana and six mature plants (ORS 475.320).

**Debilitating condition** - Medical maladies including cancer, glaucoma, human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), cachexia, severe pain, severe nausea, seizures and persistent muscle spasms.

**OHA** - Oregon Health Authority. While OHA is the agency primarily responsible for administering OMMA, applications may be submitted to the local health department, which forwards them to OHA.

**Identification card** - The Marijuana Registration Identification Card (MRIC) issued to a registrant by OHA. The registrant must be in possession of the identification card any time the registrant is in possession of marijuana (ORS 475.306(2)).

**OMMA** - Oregon Medical Marijuana Act as provided in ORS 475.300 through ORS 475.346.

**Primary caregiver** - A person, 18 years or older, who has significant responsibility for the care and well-being of a registrant or applicant, and who has been so designated in writing by the cardholder to the OHA.

**Registered growing site** - A location where marijuana is produced for use by a registrant; the registrant must be registered with OHA as such. The OHA will issue a registered grow site

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registration card to the registrant. The card must be displayed at the registered grow site. A registered grow site may produce marijuana for up to four registrants. A registered grow site registration card must be displayed for each registrant.

**Registrant** - A person who has been diagnosed with a debilitating condition and has been issued a MRIC by OHA.

### **452.2 LIMITATIONS ON ENFORCEMENT**

Although federal law does not currently permit possession of marijuana for medical use, Oregon has created a limited exception to the criminal statutes governing the possession and manufacturing of marijuana. In addition, there are also other defenses available for possessing small quantities of marijuana for medical use under certain conditions. For additional information regarding OMMA (see the Oregon DOJ summary at <http://www.doj.state.or.us/releases/2005/rel061505.shtml>, and ORS 475.319).

#### **452.2.1 EXCEPTION**

An exception from the criminal laws prohibiting possession, delivery or production of marijuana and related offenses, which applies to a person:

- (a) Who is a Registrant or an Applicant, or
- (b) Who is a designated primary care giver of a registrant or applicant, or
- (c) Who is the person responsible for a Registered Grow Site.

#### **452.2.2 LIMITATIONS ON THE EXCEPTION**

There are a number of disqualifying acts that preclude a person from relying on the exception identified above. The exception does not apply if:

- (a) The person is not one of the authorized persons described in the previous section; or
- (b) Regardless of registration, the person has engaged in certain disqualifying conduct specified below.

#### **452.2.3 STATUTORY DISQUALIFICATIONS**

The criminal law "exception" does not apply to any person - even one who is validly registered under the Act - if the person has engaged in any of the following activities:

- (a) Driving under the influence of marijuana
- (b) Using marijuana in a public place, in public view, or in an adult or youth correctional facility
- (c) Delivering marijuana, either with or without consideration, to someone who the person making the delivery knows is not a registrant
- (d) Manufacturing or producing marijuana at an address that is not under the control of the registrant (either patient or primary caregiver) or that has not been provided to DHS

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- (e) Delivering marijuana for consideration to any person, including a registrant
- (f) Manufacturing or producing marijuana at more than one address
- (g) Possessing, delivering or producing marijuana in amounts that exceed the authorized amounts specified in § 452.11

### **452.2.4 INDUSTRIAL HEMP**

Persons or entities who operate under the industrial hemp laws of Oregon must have the required industrial hemp license or agricultural hemp seed production permit issued by the State Department of Agriculture (ORS 571.305). Officers may contact the Department of Agriculture's Commodity Inspection Division for information about industrial hemp sites and licensing compliance.

## **452.3 DEFENSES**

### **452.3.1 AFFIRMATIVE DEFENSES**

An affirmative defense to a charge of unlawful possession, delivery or manufacture of marijuana applies to a person who has been diagnosed with a debilitating medical condition within 12 months prior to arrest and been advised by his/her attending physician the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition (ORS 475.319 ). The defendant would be required to prove the affirmative defense by a preponderance of the evidence after filing a notice of intent to rely on it. The affirmative defense is not available to persons possessing or producing marijuana in amounts greater than the authorized amount in specified in § 452.1 .1.

### **452.3.2 CHOICE OF EVILS DEFENSE**

A subject may claim that marijuana possession, delivery or manufacture is necessary as an emergency measure to address extreme pain or other medical discomfort. This claim may relate to a legal defense known as the choice of evils, as codified in ORS 161.200. Therefore, any such claim should be thoroughly documented and investigated.

Officers should thoroughly document all evidence indicating that the subject or subjects under investigation took steps toward complying with OMMA. Similarly, a lack of such evidence, or evidence to the contrary, should be thoroughly documented.

### **452.4 EFFECT ON MARIJUANA INVESTIGATIONS**

The Act places a substantial burden on law enforcement officers to anticipate potential medical use claims and to determine their validity in the initial stages of an investigation.

- (a) The criminal law exception for persons who engage in the medical use of marijuana is apparently intended to preclude arrest, citation or search.
- (b) The affirmative defense of medical need can be raised by persons who have not been issued a registry identification card, or even applied for one.



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- (c) Except as noted in the next paragraph, the Act prohibits law enforcement officers from harming, neglecting, injuring or destroying any property connected with the medical use of marijuana. If the district attorney or a court determines that a medical use defense applies, the Act mandates that seized usable marijuana and paraphernalia be returned to the person from whom it was seized (Oregon Revised Statutes 475.323(2)).
- (d) A law enforcement agency has no responsibility to maintain live marijuana plants if they have been lawfully seized (Oregon Revised Statutes 475.323(2)). However, in this regard, an officer should exercise care to ensure that live plants are not seized from a person who is excepted from the criminal laws.

### 452.4.1 ARRESTS AND SEARCHES

Possession of a registry identification card alone will not serve as probable cause to search the holder or any related property (ORS 475.323). Before making a warrantless arrest or issuing a citation for a marijuana offense, or making a warrantless search or seizure based on probable cause, an officer should first ask the person why he or she is growing or possessing marijuana. (This should be an open-ended question that does not suggest a response.)

- (a) Non-registrants: If the person claims medical use, but has not applied for or obtained an identification card from OHA:
  - 1. The criminal law exception does not apply and, if probable cause exists, the officer may take action appropriate to the circumstances, e.g., arrest or citation.
  - 2. It is recommended that the officer also conduct additional investigation for evidence relevant to a potential affirmative defense or choice of evils defense. See discussion below regarding Anticipating Other Medical Marijuana Defenses in § 452.6.
- (b) Registrants: If the person presents a registry identification card, as either a patient or primary caregiver:
  - 1. **Valid card** - A person who holds a valid, current registry identification card is not subject to arrest, citation or search for those offenses, unless the person has engaged in disqualifying conduct described in § 452.41. If the person claims to possess a valid card not in their possession, make every effort to verify registration before proceeding.
  - 2. **Expired card** - The expiration date is printed on the card. A registrant is required to annually update the registration information on file with OHA. A person who is relying on a registry identification card that has expired is a non-registrant and is, therefore, subject to arrest or citation.
  - 3. **Accurate Identifying Information on the Card** - A registrant must give notice to DHS within 30 days of a change of name, address or primary caregiver (OAR 333-008-0045).

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An officer should ask the registrant if the registrant's name and address, and the name of the primary caregiver listed on the card are current. An officer should also compare the registry card information with the registrant's ODL or other ID. If this information is not current, an officer should ask when these changes occurred, whether the person notified OHA, and, if so, when. A person cannot rely on the criminal law exception if he or she is growing marijuana at an address that has not been provided to OHA.

4. **Registry Verification** - In every case, it is advisable to verify the status of the registry identification card with OHA, either at the time of the encounter with the registrant or at a later time. The results of that verification may require a follow-up interview with the registrant.
5. **Suspended Card** - If the registry identification card is suspended, the officer should try to establish whether the registrant is aware of the suspension. A person who is relying on a registry identification card that is suspended is a non-registrant, and, therefore, is subject to arrest or citation.
6. **Applicants** - Copies of documentation submitted to DHS to apply for a registry identification card have the same legal effect as a registry identification card until the person receives notice that the application has been approved or denied (ORS 475.309(9)). In other words, a person who presents copies of application documents is not subject to arrest or citation, unless it is determined that the person has received notice of denial or has engaged in conduct that disqualifies the person from the criminal law exception.
7. **Persons with Forged Documents** - A person who makes or knowingly tenders a false registry identification card or application documents should be investigated for the crime of forgery (ORS 165.002-165.022).

Additionally, the officer should notify OHA regarding these false documents. The OHA may deny an application for a registry identification card if the application contains falsified information (OAR 333-008-0030). The OHA may also suspend a registry identification card if the card was obtained by fraud (OAR 333-008-0070(3)(a)).

### 452.5 INVESTIGATIVE EFFORTS

#### 452.5.1 SEEKING EVIDENCE REGARDING MEDICAL CONDITION

Investigation of this issue may not be necessary if the suspect presents a valid registry identification card or a copy of a pending application for a card or if the suspect possess more than the limits identified in § 452.11.

- (a) Why is the person growing or possessing marijuana (This should be an open-ended question that does not suggest a specific answer).

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- (b) If the person claims medical use, the officer should ask:
  - 1. Has the person submitted documentation to OHA .
  - 2. Has the person ever been diagnosed with a debilitating medical condition. If so, when and obtain the doctor's name and address.
  - 3. To establish the affirmative defense, the person must prove by a preponderance that he or she has been diagnosed with a debilitating medical condition within 12 months prior to the arrest.
  - 4. Inquire as to the specific condition(s), symptoms, duration of treatment, and why the person prefers to use marijuana instead of other medical practices.
  - 5. Will the person sign a waiver to release his or her medical records.

#### 452.5.2 EVIDENCE REGARDING THE AMOUNT OF MARIJUANA GROWN OR POSSESSED

If the amount of marijuana manufactured or possessed exceeds the presumptive limits, the person cannot establish the affirmative defense.

#### 452.5.3 EVIDENCE OF SALES

The criminal law exception and the affirmative defense are not available to a person who has delivered marijuana for consideration. Additionally, however, evidence that the person has been selling marijuana should be relevant for rebutting the choice of evils defense.

- (a) Is there evidence that the person has been engaging in the sale of marijuana: scales, packaging materials, records of drug sales, cash
- (b) Is the size and sophistication of the grow operation consistent with personal use Is the person using an amount of electrical power that greatly exceeds the amount necessary to grow seven plants
- (c) A financial net worth investigation may be appropriate to determine all sources of income available to the person and his/her family and existing or recent liabilities. Evidence of federal or state tax returns, relevant lenders or debtors, and relevant financial institutions and bank accounts can be valuable to an investigation.

#### 452.5.4 OTHER RELEVANT CIRCUMSTANCES.

- (a) Is the person in possession of other unlawful controlled substances.
- (b) Has the person committed other new offenses.
- (c) Does the person have a history of arrests or convictions for marijuana or other controlled substance offenses.

## *Medical Marijuana*

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### **452.6 SEIZURE AND DESTRUCTION OF MARIJUANA PLANTS**

As stated above, officers are prohibited from harming, neglecting, injuring or destroying any property connected with the medical use of marijuana. However, a law enforcement agency has no responsibility to maintain live marijuana plants lawfully seized (ORS 475.323).

Therefore, when an individual possesses more than a usable amount (24 oz. and six mature plants), or when a growing site exceeds the limits authorized by § 452.11 or, if an authorized Marijuana Grow Site, the collective limits of the grow site registration cards present, (Limit is four cards) officers should:

- (a) Harvest only those plants in excess of the authorized number (ORS 475.324)
- (b) Not seize or destroy the growing equipment
- (c) It is always prudent to try to obtain consent from the appropriate person before destroying live marijuana plants

#### **452.6.1 RETURN OF MARIJUANA**

Usable marijuana and paraphernalia used to administer marijuana that was seized by this department shall be returned in accordance with Oregon law upon a determination by the district attorney, or his/her designee, that the items seized are no longer needed for prosecution purposes. The determination may be evidenced, for example, by a decision not to prosecute, the dismissal of charges or acquittal (ORS 475.323).

## Foot Pursuits

### 458.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 458.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, officers should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

## *Foot Pursuits*

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### **458.3 GENERAL GUIDELINES**

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders them incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the [dispatcher] or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increases the risk to or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

## *Foot Pursuits*

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### **458.4 RESPONSIBILITIES IN FOOT PURSUITS**

#### **458.4.1 INITIATING OFFICER RESPONSIBILITIES**

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officers unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the [dispatcher] of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting media aid as needed for officers, suspects or members of the public.

#### **458.4.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officers who are in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

### *Foot Pursuits*

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#### **458.4.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

#### **458.5 REPORTING REQUIREMENTS**

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Any injuries and/or medical treatment.
- (h) Any property or equipment damage.
- (i) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.



# West Linn Police Department

## West Linn PD Policy Manual

### *Foot Pursuits*

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#### **458.6 POLICY**

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

## Public Recording of Law Enforcement Activity

### 465.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this [department/office]. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 465.2 POLICY

The West Linn Police Department recognizes the right of persons to lawfully record members of this [department/office] who are performing their official duties. Members of this [department/office] will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 465.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (ORS 165.540).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

### 465.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

## *Public Recording of Law Enforcement Activity*

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Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

### **465.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of [department/office] members, such as how and where to file a complaint.

### **465.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless ("First Amendment Privacy Protection, Unlawful Acts", 42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

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## West Linn PD Policy Manual

### *Public Recording of Law Enforcement Activity*

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2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a [department/office]-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

## **Chapter 5 - Traffic Operations**

# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This [department/office] provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the West Linn Police Department. Information provided by the Department of Motor Vehicles and Oregon Department of Transportation is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

## 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This [department/office] does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating an officer's overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Officers attempting to enforce traffic laws shall be in West Linn Police Department uniform or shall conspicuously display an official identification card showing the officer's lawful authority (ORS 810.400). Several methods are effective in the reduction of collisions:

## *Traffic Function and Responsibility*

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### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

### 500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.

Officers at the scene of a traffic accident and, based upon the officer's personal investigation, having reasonable grounds to believe that a person involved in the accident has committed a traffic offense in connection with the accident, may issue the person a citation for that offense (ORS 810.410(4)).

### 500.3.3 PHYSICAL ARREST

Officer may arrest or issue a citation to a person for a traffic crime at any place within the state. Generally, physical arrests are limited to major traffic offenses such as:

- (a) Driving Under the Influence of Intoxicants.
- (b) Hit-and-Run.
- (c) Attempting to Elude.
- (d) Reckless Driving with extenuating circumstances.
- (e) Situations where a violator refuses or cannot satisfactorily identify him/herself and therefore cannot be issued a citation.

## **500.4 SUSPENDED OR REVOKED DRIVERS LICENSES**

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to ORS 810.410.

Officers should attempt to interview the violator to obtain evidence that the violator knew their license was suspended.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his or her license in possession, the license shall be seized by the officer and the violator may also be cited for Failure to Return a Suspended License if evidence shows they knew they were suspended (ORS 809.500).

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### *Traffic Function and Responsibility*

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#### **500.5 HIGH-VISIBILITY VESTS**

The West Linn Police Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of [department/office] members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; OAR 437-002-0134).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

##### **500.5.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

##### **500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

High visibility vests are issued to each officer and community service officer. Before going into service each employee shall ensure they have a serviceable high-visibility vest available for their use.



# Traffic Collision Reporting

## 502.1 PURPOSE AND SCOPE

The West Linn Police Department prepares traffic collision reports in compliance with Oregon Revised Statutes 810.460 relating to reports of traffic accidents to the Oregon Department of Transportation and, as a public service makes traffic collision reports available to the community with some exceptions.

## 502.2 RESPONSIBILITY

The Patrol Division will be responsible for proper investigation and reporting of motor vehicle collisions. Traffic collisions will be documented using the Oregon Police Traffic Crash Report (herin OPTC Reports). The Assistant to The Chief of Police will receive all changes in the state manual and ensure conformity with this policy.

## 502.3 TRAFFIC COLLISION REPORTING

All OPTC reports taken by members of this department shall be forwarded to the Records Unit, after approval for data entry into the Records Management System. The Assistant to The Chief of Police will be responsible for annual reports on traffic collision statistics to be forwarded to the Patrol Division Commander, or other persons as required.

## 502.4 REPORTING SITUATIONS

### 502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

OPTC reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Memo shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken.

### 502.4.2 TRAFFIC COLLISIONS INVOLVING DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the City limits of West Linn resulting in a serious injury or fatality, the Patrol Supervisor should notify the Clackamas County Inter Agency Crash Reconstruction and Forensic Team (CRAFT), the Oregon State Police, Clackamas County Sheriff's Office or an adjoining municipal police agency for assistance.

The term serious injury is defined as any injury that results in hospitalization.

### 502.4.3 TRAFFIC COLLISIONS INVOLVING OTHER CITY EMPLOYEES OR OFFICIALS

When called to a serious injury or fatality crash involving City Officials, or employees of other departments within the city, the Patrol supervisor should request assistance from the Clackamas

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## West Linn PD Policy Manual

### *Traffic Collision Reporting*

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County Inter Agency Crash Reconstruction and Forensic Team (CRAFT), the Oregon State Police, Clackamas County Sheriff's Office or an adjoining municipal police agency for assistance. The term serious injury is defined as any injury that results in hospitalization

#### **502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY AND PREMISES OPEN TO THE PUBLIC**

OPTC reports shall not be taken for collisions occurring on private property or premises open to the public unless there is a death or injury to any person involved, any involved vehicle/s sustained damage of \$2,500 or more, any property other than the involved vehicles sustained damage of \$2,500 or more, or if any vehicle is towed due to damage from the crash. An Incident Report may be taken at the discretion of any supervisor.

#### **502.4.5 REPORT REQUIREMENTS FOR TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS**

OPTC reports shall be taken when they occur on a roadway or highway within this jurisdiction in the following cases:

- (a) There is a death, or any reported injury, no matter how small to any person involved in the collision.
- (b) An involved vehicle sustained damage of \$2,500.00 or more.
- (c) An involved vehicle is towed due to damage from the crash.
- (d) Any property other than the involved vehicles sustained damage of \$2,500 or more.
- (e) The accident is initially reported by a garage operator who has received a vehicle involved in a serious accident or exhibiting evidence of having been struck by a bullet (Oregon Revised Statutes 822.600).
- (f) All hit-and-run violations as defined by Oregon Revised Statutes 811.700 and 811.705. However, an Incident Report may be taken in lieu of a OPTC at the discretion of any supervisor if the facts support (i.e., unknown date, location or other facts that make it impossible to determine if a crime occurred and it would be impractical to conduct an investigation).

#### **502.4.6 TOWING VEHICLES INVOLVED IN TRAFFIC COLLISIONS**

A OPTC report will be required if a vehicle is damaged in a collision and a tow truck is necessary. However, towing of a vehicle from a collision scene at the request of the driver when the vehicle would not otherwise be in need of towing, does not require a OPTC report under this policy unless the incident meets the criteria in Policy Manual § 502.4.5.

#### **502.5 NOTIFICATION OF TRAFFIC DIVISION SUPERVISION**

In the event of a serious injury or death related traffic collision, the Patrol Supervisor shall notify the On-Call Sergeant (if a sergeant is not working), the Patrol Division Commander, CRAFT, and the OSP Crime Lab may also be requested to assist with a fatal accident.

# Vehicle Towing

## 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the West Linn Police Department.

## 510.2 RESPONSIBILITIES

The responsibilities of those officers impounding a vehicle are as follows.

### 510.2.1 VEHICLES CONSTITUTING A HAZARD OR OBSTRUCTION

Officers may take custody of and tow a vehicle that is disabled, abandoned, parked or left standing unattended when it creates a hazard or obstruction. Hazards and obstructions may include vehicles that are (ORS 819.120):

- (a) Parked so that any part of the vehicle extends into the paved portion of the travel lane.
- (b) Parked so that any part of the vehicle extends into the highway shoulder or bicycle lane of any freeway ORS 819.120 (2)(b).

Officers should use sound judgment in balancing the need to correct a hazardous situation with the potential hardship to a vehicle owner/operator before towing such a vehicle.

Officers impounding a vehicle shall complete a vehicle impound report. The vehicle impound report is to be submitted along with the incident report to the Records Unit as soon as practicable after the vehicle is stored.

LOCOM is tasked with promptly entering pertinent data from the completed vehicle impound report into the state's Law Enforcement Data Systems (LEDS).

### 510.2.2 VEHICLES OF ARRESTED DUII DRIVERS

Officers may tow vehicles when the operator is cited for one of the following traffic crimes/violations and a public safety or community caretaking risk would result if the vehicle were left at the scene (Oregon Revised Statutes 809.720 (Community caretaking exceptions following this section):

- (a) Driving while under the influence of intoxicants (Oregon Revised Statutes 813.010).

### 510.2.3 COMMUNITY CARETAKING STANDARD

Vehicles shall not be towed and/or impounded under the authority of ORS 809.720 under any of the following circumstances:

- (a) The vehicle is parked on private property on which the registered owner or operator is legally residing.
- (b) The registered owner is present in the vehicle at the time of the stop and can lawfully remove the vehicle or allow a passenger to do so with a valid driver's license and proof of liability insurance.
- (c) The vehicle is legally parked at a time and place where the likelihood of it being subject to theft/or vandalism is remote and traffic or public safety is not affected. The registered

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### *Vehicle Towing*

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owner must be present and make this request, absolving the City of any consequences for leaving the vehicle unattended. Except the vehicle may be towed for community caretaking purposes if the officer has reason to believe that the person cited will remain or return to drive the car unlawfully if it is not impounded. Articulable facts to support this decision must be included in the tow report.

Note: The community caretaking concerns shall be thoroughly documented in a report. In all cases where a vehicle is impounded or towed, the officer shall make every effort to ensure the safety of all the vehicle occupants by providing transportation or communication necessary to avoid stranding any occupant where their safety or security may be in question.

#### 510.2.4 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the no preference towing company list in LOCOM.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a no preference towing company. The officer will then have the vehicle towed to the tow company's storage lot for safekeeping, and complete a Vehicle Impound form.

#### 510.2.5 NOTICE TO OWNERS

Once the vehicle is impounded, records personnel shall mail a copy of the impound report along with information describing the location of the vehicle and the procedures for its release to the legal and registered owners of the stored vehicle within 48 hours after it has been stored, not including Saturdays, Sundays or holidays, unless the vehicle has been previously released (ORS 819.180). The notice shall include:

- (a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority and the statute, ordinance or rule under which the vehicle has been taken into custody and towed.
- (b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.
- (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e) That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.

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### *Vehicle Towing*

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- (f) The time within which a hearing must be requested and the method for requesting a hearing.
- (g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

#### **510.2.6 DRIVING A NON-CITY VEHICLE**

When, after a vehicle has been stopped by police, the driver is taken into custody or is prohibited from driving further, i.e. suspended drivers license, no drivers license, no insurance, etc., and towing the vehicle does not accomplish the stated purpose of this policy, and leaving the stopped vehicle in a position would create a hazard, the officer has the option, with consent of the operator, to move the vehicle to a legal parking area off the roadway.

#### **510.3 TOWING SERVICES**

The City of West Linn periodically selects firms to act as the official tow services. These firms will be used in the following situations:

- (a) When a vehicle is being held as evidence in connection with an investigation
- (b) When it is otherwise necessary to impound a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations

Nothing in this policy shall require the Department to tow a vehicle.

##### **510.3.1 NO PREFERENCE TOW SERVICES**

Upon proper application, the department may approve qualified towing services to be called when a citizen needs towing but has no preference as to which service to call.

Any complaint alleging a violation of the agreement or other misconduct by a no preference operator shall be referred to the police department for investigation. The department may periodically review the performance of each authorized no preference operator.

The department will assist citizens by calling any towing company desired. If the citizen has no preference and requests towing service, one of the authorized firms shall be called in rotation.

All officers are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

#### **510.4 IMPOUNDS RELATED TO CRIMINAL INVESTIGATIONS**

Officers should impound vehicles that are needed for the furtherance of an investigation or prosecution of a case or are otherwise appropriate for seizure under ORS 133.535. State law requires the impounding officer to take reasonable steps to protect against loss or damage to impounded vehicles and any contents that may have been taken as evidence (ORS 133.537).

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Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than store it, so long as the vehicle is not needed for evidence.

### **510.5 IMPOUND AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or storing the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be stored, subject to applicable laws and warrant requirements, whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine, reasonably suggests that the vehicle should be stored (e.g., the vehicle would present a traffic hazard if not removed or, due to a high crime area, the vehicle would be in jeopardy of theft or damage if left at the scene).

While the Oregon Revised Statutes may authorize the impoundment of a vehicle for issues such as driving with a suspended or revoked license (ORS 809.720), impounds are only authorized if, in such cases, leaving the vehicle would create a hazard, obstruction or a risk of loss.

The following are examples of situations where the arrestee's vehicle should not be stored, provided the vehicle can be legally parked, left in a reasonably secured and safe condition and the vehicle is not needed for the furtherance of an investigation:

- The vehicle is parked on private property on which the registered owner or operator is legally residing, or the property owner does not object to the vehicle being left parked at that location.
- When the arrestee or a passenger is the registered or legal owner of the vehicle and requests that the vehicle be released to a person who is present, willing and able to legally take control of the vehicle.
- Whenever the vehicle is legally parked and otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall inform the arrestee and note in the report that the Department will not be responsible for theft or damages.

### **510.6 VEHICLE INVENTORIES**

The contents of all impounded vehicles shall be inventoried in accordance with the following procedure:

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.

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- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:
  - 1. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked glove compartments, unlocked vehicle trunks and unlocked car top containers; and
  - 2. Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (c) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.
- (d) Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of \$50, valuables or a hazardous material.
- (e) Any valuables, to include cash in excess of \$50 or property valued at more than \$500, located during the inventory process will be listed on a property receipt and stored in this agency's property/evidence room. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present.
- (f) The inventory is not a search for evidence of a crime, however, officers shall seize evidence or contraband located during the inventory. Items should be scrutinized to the extent necessary to complete the inventory.

These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

#### **510.7 VEHICLE SEARCHES**

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. Vehicle searches should be handled according to current training and an officer's familiarity with relevant case law. Generally, a search warrant should be sought prior to conducting a search of a vehicle.

#### **510.8 SECURITY OF VEHICLES AND PROPERTY**

After a thorough inventory of the vehicle has been completed and all contraband, evidence and weapons have been removed the officer should make reasonable accommodations to permit a

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driver or owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions).

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

#### **510.9 RELEASE CRITERIA**

A vehicle impounded under this section shall be released to a person entitled to lawful possession of the vehicle upon compliance with the following:

- (a) Proof that a non-impaired adult with valid driving privileges will be operating the vehicle.
- (b) Positive identification.
- (c) Proof of compliance with financial responsibility requirements for the vehicle (Insurance and ownership).
- (d) Payment of the West Linn Police Department administrative fee.
- (e) A security interest holder in the vehicle is not required to comply with (a) and (c) and may obtain release by paying the administrative fee, towing and storage fees.



# Vehicle Impound Hearings

## 512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings.

## 512.2 IMPOUND HEARING

When a vehicle is impounded by any member of the West Linn Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent.

### 512.2.1 HEARING PROCEDURES

When requested, a hearing to contest the validity of the impoundment and the reasonableness of the tow will be held as follows (ORS 819.190).

Requests for a hearing on an impounded vehicle shall be submitted in writing to the person designated by the West Linn Police Department to receive such requests, within five days of the postmarked date on the notice of impound. The request shall state the grounds upon which the person requesting the hearing believes that the custody and towing of the vehicle was not justified.

The West Linn Municipal Court Judge is designated as the impound hearings officer and will set a time for the hearing within 72 hours of the receipt of the request, excluding Saturdays, Sundays and holidays. The hearings officer will provide notice of the hearing to the person requesting the hearing, to the impounding officer and to any owner, lessor or security interest holder shown in the Oregon Department of Transportation (ODOT) records.

The impound hearings officer, shall consider all information provided and shall determine the validity of the impound based on substantial evidence on the record, according to applicable law and department policy. The hearings officer shall then render a decision. The officer who caused the removal of the vehicle may submit an affidavit to the hearings officer in lieu of a personal appearance.

If the hearings officer decides that the impound was valid, he/she shall order the vehicle held in custody until the cost of the hearing and all reasonable towing and storage costs are paid by the party claiming the vehicle.

If the hearings officer decides that the impound was invalid, he/she shall order the immediate release of the vehicle to the owner or person with right of possession. Such person is not liable for towing or storage charges and shall be reimbursed for such charges if they have already been paid. New storage costs will not start to accrue until more than 24 hours after the time the vehicle is officially released (ORS 819.190).

If a decision is made that the impound was invalid and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Division Commander for reimbursement by this department to the appropriate party.

# Impaired Driving

## 514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

## 514.2 POLICY

The West Linn Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Oregon's impaired driving laws.

## 514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

## 514.4 CHEMICAL TESTS

Most blood, breath, and urine tests will be administered within the jail. If a suspect is hospitalized, a blood sample may be taken at the hospital. A suspect who is unable to submit to a chemical test because of any of the following shall not be considered as refusing to comply with the provisions of Oregon Revised Statutes 813.100:

- Because of the inability of the Department to furnish a selected test
- If there are verifiable medical reasons for non-compliance
- If an attending physician refuses to allow it

### 514.4.1 BREATH SAMPLES

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Supervisor.

### 514.4.2 BLOOD SAMPLES

Only persons authorized by law to withdraw blood shall collect blood samples (ORS 813.160). The withdrawal of the blood sample should be witnessed by the assigned officer. No officer, even if properly certified, should conduct the blood withdrawal.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

## *Impaired Driving*

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### **514.4.3 URINE SAMPLES**

Oregon's Implied Consent Law also provides that drivers have similarly consented to a chemical test of their urine for the purposes of determining the presence of controlled substances or an inhalant, if the person is arrested for Driving Under the Influence of Intoxicants and:

- (a) A person takes a breath test and discloses a blood alcohol content of less than .08%, or
- (b) The person is involved in an accident resulting in injury or property damage. Under this paragraph, an officer may request a urine test regardless of whether a breath test was offered or taken, or its results

The officer may not request the urine test unless certified as having taken the eight (8) hour class: Recognition of Drug Impaired Driving.

### **514.4.4 URINE SAMPLES**

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen.

The collection kit shall be marked with the person's name, offense, West Linn Police Department case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

### **514.5 REFUSALS**

When a person refuses to provide a chemical sample, officers should:

- (a) Advise the person of the requirement to provide a sample (ORS 813.100; ORS 813.131).
- (b) Document the refusal in the appropriate report.

#### **514.5.1 STATUTORY NOTIFICATIONS**

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the written notice of intent to suspend upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (ORS 813.100). The arresting officer shall also read the person the Department of Transportation form which informs the person of the rights and consequences of a test to determine the alcohol content of the person's blood (ORS 813.130).

#### **514.5.2 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who refuses a chemical test when a search warrant has been obtained.

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### **514.5.3 FORCED BLOOD SAMPLE**

If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when legal and practicable.
- (d) Ensure that the withdrawal is taken in a medically approved manner.
- (e) Supervise any use of force.
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.
- (f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances.
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.
- (g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

### **514.6 ARREST AND INVESTIGATION**

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#### 514.6.1 REPORTING

The Patrol Supervisor shall ensure that the Department complies with all state reporting requirements pursuant to ORS 181.550.

#### 514.6.2 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test or if a test discloses that the person had a prohibited alcohol concentration in the person's blood, the investigating officer shall cause the following items to be forwarded to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) within 10 days of the arrest (ORS 813.100):

- The completed Implied Consent Form.
- Any confiscated license or permit belonging to the person.
- A copy of the written report that complies with ORS 813.120.

An officer confiscating a person's license pursuant to state DUI laws shall provide the person with a temporary driving permit unless (ORS 813.100; 813.110):

- The driving privileges of the person were suspended, revoked or canceled at the time the person was arrested.
- The person whose license was confiscated was operating on an invalid license.
- The person was not entitled to driving privileges at the time of the arrest for any other reason.
- The person holds a license or permit granting driving privileges that was issued by another state or jurisdiction and that is not confiscated.

#### 514.6.3 OFFENSE FOR REFUSAL

If a person refuses to submit to a chemical test, the arresting officer may charge the person with a separate criminal offense (ORS 813.095).

#### 514.6.4 ADDITIONAL TESTING

An officer requesting that a person submit to a chemical test shall also provide the person, upon request, with a reasonable opportunity to have a qualified medical professional of their choosing administer an additional chemical test. The test may be of the person's breath or blood if alcohol concentration is in issue or of the person's blood or urine if the presence of a controlled substance or inhalant in the person's body is in issue (ORS 813.150).

#### 514.6.5 ADDITIONAL REQUIREMENTS FOR URINE SAMPLES

An officer may not request that a person submit to a urine test unless the officer is certified by the Board on Public Safety Standards and Training as having completed the required training in the recognition of drug impaired driving. The officer must also have a reasonable suspicion to believe that the person arrested has been driving under the influence of a controlled substance, an inhalant, or any combination of an inhalant, a controlled substance and intoxicating liquor (ORS 813.131).

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The person providing the urine sample shall be given privacy and may not be observed by the officer when providing the sample (ORS 813.131).

#### **514.7 RECORDS DIVISION RESPONSIBILITIES**

The Assistant to The Chief of Police will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

#### **514.8 ADMINISTRATIVE HEARINGS**

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Officers called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Division should forward this to the prosecuting attorney as part of the case file.

# Traffic Citations

## 516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

## 516.2 RESPONSIBILITIES

The Records Unit shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

## 516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to a sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the sergeant may approve dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine prior to or during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Operations Division Commander for review.

## 516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. The citation and copies shall then be forwarded to the Records Unit.

## 516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a Motion to Amend requesting a specific correction to the Court, through the Records Unit.

## 516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Records Unit.

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## *Traffic Citations*

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### **516.7 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.



## Disabled Vehicles

### 520.1 PURPOSE AND SCOPE

Public safety, and the West Linn Police Department's commitment to service, requires that officers place a high priority on assisting disabled motorists. This policy provides guidelines for achieving that objective.

### 520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

### 520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

#### 520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair. Assisting a motorist changing a flat tire is not considered a mechanical repair.

## 72-Hour Parking Violations

### 524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Oregon Revised Statutes or West Linn City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Oregon Revised Statutes 819.110.

### 524.2 MARKING VEHICLES

When a vehicle is suspected of being in violation of the City of West Linn 72-Hour Parking Ordinance, the responding officer or community service officer shall make an attempt to identify the owner of the vehicle. If the owner cannot be contacted and advised, the Officer may do the following. No case number is required at the time of the initial contact.

- (a) The tire shall be marked by some means, generally by chalk or yellow marker. A parking violation warning indicating "Abandoned / 72 hour" shall be prominently attached to a window in a manner that does not block a driver's visibility.
- (b) If a patrol officer responded to the initial call, the officer will print a copy of the incident from LOCOM's log and affix any notes indicating to the community service officer what action was taken and submit it to the community service officer.
- (c) If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation.
- (d) If it is not possible for the community service officer to follow up on the violation, the issuing officer should make an attempt to check the status of the vehicle after the 72 hour time period has expired.

#### 524.2.1 MARKED VEHICLE FILE

The Community Service Officers(CSO) will be responsible for maintaining a file for all marked vehicles.

The CSO assigned to the follow up investigation of all 72-hour parking violations shall be responsible for completing the investigation.

#### 524.2.1 VEHICLE IMPOUND

Any vehicle in violation shall be impounded by the authorized towing service and an Impounded Vehicle Report shall be completed by the officer authorizing the towing of the vehicle.

The Impounded Vehicle Report form shall be submitted to a patrol Supervisor for review and then forwarded to the Records Division immediately following the towing of the vehicle. Generally, the vehicle will be entered into LEDS when the officer notifies dispatch and when a case number is taken for the tow. It may also be the responsibility of the Records Division to enter the vehicle into LEDS.

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### *72-Hour Parking Violations*

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Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Division to determine the names and addresses of any individuals having an interest in the vehicle through DMV. Records personnel shall mail a copy of the approved Vehicle Impound Report form along with information describing the location of the vehicle, the procedures for its release, and the owner's right to a hearing, to the legal and registered owners of the stored vehicle within 48 hours after it has been impounded, unless the vehicle has been previously released (Oregon Revised Statutes 819.180(1)).

Vehicles Impounded under this section may be subject to hearing procedures outlined in Policy Manual § 512.

#### **524.3 IMPOUND HEARING**

When a vehicle is stored under this section by any member of the West Linn Police Department, a hearing will be conducted upon the timely request of any person who reasonably appears to have an interest in the vehicle.

## **Chapter 6 - Investigation Operations**

# Investigation and Prosecution

## **600.1 PURPOSE AND SCOPE**

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

One or more detectives shall be available 24 hours a day for criminal investigations and the processing of crime scenes. The Oregon State Police crime lab is an additional resource for processing of serious and involved crime scenes.

## **600.2 POLYGRAPH EXAMINATION OF VICTIMS**

Victims and any complaining witness in a case involving the use of force, violence, duress, menace or threat of physical injury in the commission of any sex crime under ORS 163.305 to 163.575, may not be required, by a district attorney or other law enforcement officer or investigator involved in the investigation or prosecution of crimes, or any employee thereof, to submit to a polygraph examination as a prerequisite to filing an accusatory pleading (ORS 163.705).

## **600.3 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION**

The collection or maintenance of information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership shall occur only when the information directly relates to a criminal investigation and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct (ORS 181.575).

## **600.4 CUSTODIAL INTERVIEWS**

Generally, except where circumstances make it impracticable, custodial interviews regarding felony offenses should be electronically recorded. When such custodial interviews are conducted in a law enforcement facility and in connection with an investigation into aggravated murder, as defined in ORS 163.095, or a crime listed in ORS 137.700 or 137.707, electronic recording of the interview is mandatory absent good cause not to record (ORS 133.400).

If an interviewee expresses an unwillingness to have the custodial interview electronically recorded but agrees to speak to investigators without such recording, the interviewing officer or detective should:

- (a) Document the refusal in his/her report.
- (b) Request that the interviewee sign a written statement or provide a recorded statement of his/her refusal to have the interview recorded.

All electronic recordings of custodial interviews shall follow the requirements set forth in ORS 165.540.

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No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Administrative Services/ Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

# Asset Forfeiture Policy

## 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

## 606.2 ASSET SEIZURE AUTHORITY

Oregon Revised Statutes 133.535 specifies that any peace officer having probable cause, may seize all evidence or other information concerning the commission of the criminal offense; contraband, the fruits of the crime, or things otherwise criminally possessed; property that has been used, or is possessed for the purpose of being used to commit or conceal the commission of an offense.

In addition to seizures authorized by Oregon Revised Statutes 133.535, an officer may seize property without a court order if the officer has probable cause to believe that the property is subject to criminal forfeiture (Oregon Revised Statutes 131.561(2)).

An officer may also seize property pursuant to an order of the court. Forfeiture Counsel or a seizing agency may apply to the court for an ex-parte order directing seizure of specific property (Oregon Revised Statutes 131.561(3)).

Oregon Revised Statutes 131.558 identifies those items which are subject to criminal forfeiture, including currency, real and/or personal property which represents proceeds or was used to facilitate certain specific criminal activity.

### 606.2.1 ITEMS SUBJECT TO CRIMINAL FORFEITURE

The following are subject to criminal forfeiture:

- (a) All controlled substances that have been manufactured, distributed, dispensed, possessed or acquired in the course of prohibited conduct
- (b) All raw materials, products and equipment of any kind that are used, or intended for use, in providing, manufacturing, compounding, processing, delivering, importing or exporting any service or substance in the course of prohibited conduct
- (c) All property that is used, or intended for use, as a container for property described in subsection (a) or (b) of this section
- (d) All conveyances, including aircraft, vehicles and vessels, that are used, or are intended for use, to transport or facilitate the transportation, sale, receipt, possession or concealment of property described in subsection (a) or (b) of this section, and all conveyances, including aircraft, vehicles and vessels, that are used or intended for use in prohibited conduct or to facilitate prohibited conduct, except that:

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### *Asset Forfeiture Policy*

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1. No conveyance used by any person as a common carrier is subject to criminal forfeiture under the provisions of this section unless the owner or other person in charge of such conveyance was a consenting party or knew of and acquiesced in the prohibited conduct; and
  2. No conveyance is subject to criminal forfeiture under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state
- (e) All books, records, computers and research, including formulae, microfilm, tapes and data that are used or intended for use to facilitate prohibited conduct
  - (f) All moneys, negotiable instruments, balances in deposit or other accounts, securities or other things of value furnished or intended to be furnished by any person in the course of prohibited conduct, all proceeds of or from prohibited conduct, and all moneys, negotiable instruments, balances in deposit and other accounts and securities used or intended to be used to facilitate any prohibited conduct
  - (g) All real property, including any right, title and interest in the whole of any lot or tract of land and any appurtenances or improvements, that is used or intended to be used to commit or facilitate the commission of prohibited conduct
  - (h) All weapons possessed, used or available for use to facilitate conduct giving rise to criminal forfeiture.
  - (i) All property described in this section that is intended for use in committing or facilitating an attempt to commit a crime as described in Oregon Revised Statutes 161.405, a solicitation as described in Oregon Revised Statutes 161.435 or a conspiracy as described in Oregon Revised Statutes 161.450
  - (j) All personal property that is caused or intended to be used to commit or facilitate prohibited conduct.

#### 606.2.2 MINIMUM GUIDELINES FOR SEIZURES

The following guidelines identify the minimum amounts or values required to seize vehicles or real property:

- (a) Vehicles, i.e. cars, trucks, motorcycles, boats, or airplanes used as a conveyance, with equity based on a low blue book value of at least \$5,000.
- (b) \$50,000 in equity of real property (house/condominium).
- (c) Personal property valued at \$2000 or more.
- (d) Cash in excess of \$1000.



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#### 606.2.3 PROHIBITED CONDUCT

- (a) For the purposes of proceeds, prohibited conduct is any Felony or Class A Misdemeanor.
- (b) For the purposes of instrumentalities, prohibited conduct is any crime listed in Oregon Revised Statutes 131.602.

#### 606.3 ASSET FORFEITURE PROCEDURE

The following guidelines will be observed:

- (a) With the exception of real property, items that may be eligible for forfeiture under the provisions, will initially be seized as evidence pursuant to a criminal investigation of one of the crimes specified in the law.
- (b) Asset forfeiture cases will normally be handled by the West Linn Detective Supervisor and the District Attorney's Office. Other officers initiating a case that may result in asset forfeiture will contact the Detective Supervisor for assistance. A copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Detective Sergeant.
- (c) Whenever a seizing agency intends to forfeit any real property it will serve all persons having an interest in the property with a Notice of Seizure; and posting a notice of seizure on the property.
- (d) Intent to Forfeit Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicles, or property seized.
- (e) All involved persons will be interviewed concerning their possession of the seized assets, financial situation, employment, income, and other resources. The officer will conduct a further criminal interview as necessary. The interviewing officer shall ensure the *Miranda* warnings are given and waivers obtained before interviewing any person who is in custody.
- (f) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.
- (g) Promptly upon seizure, the officer who seized the property shall make an inventory of the property seized and shall deliver a receipt embodying the inventory to the person from whose possession the property is taken or to the person in apparent control of the property at the time it is seized. If the property is unoccupied or there is no one there in apparent control, the officer shall leave the receipt suitably affixed to the property. Every receipt shall contain, in addition to the inventory:
  - 1. The identity of the seizing agency.
  - 2. The address and telephone number of the office or place where the person may obtain further information regarding criminal forfeiture. A seizing agency

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shall provide that any property in the physical custody of the seizing agency be serviced or maintained as necessary to preserve the value of the property.

- (h) The seized property may be transferred for criminal forfeiture to any city, county, state or federal agency with criminal forfeiture authority, provided that no such transfer may have the effect of diminishing or reducing any of the rights of any third party.
- (i) The seizing agency may apply to the court for an order that the seized property may be sold, leased, rented, or operated in the manner and on the terms that may be specified in the court's order. Any sale should be conducted in a commercially reasonable manner and adequate notice and an opportunity to be heard should be provided to all persons known to have or claim to have an interest in the property and with the consent of all persons holding security interests in the property prior to any sale.

#### 606.3.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into Evidence. The property will be checked through LEDS and the local the Automated Property System to determine if the property has been stolen.

The property will be booked as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

#### 606.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The officer counting and supervisor verifying money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

Except where currency has apparent or known intrinsic collector value, all cash seized for criminal forfeiture must be immediately deposited in an insured, interest-bearing forfeiture trust account maintained by the seizing agency exclusively for this purpose. Cash may be retained as evidence in a criminal proceeding but must be deposited immediately when the need to retain it as evidence is discharged.

Subject to any court order, any interest earned upon cash deposited into a forfeiture trust account must be disbursed as follows:

- (a) If the criminal forfeiture proceeding is abandoned, or denied by the court, any interest earned, together with the cash initially seized, shall be returned to the person from whom it was seized

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- (b) If a judgment of criminal forfeiture is entered, but parties other than the seizing agency established rights to portions of the amount on deposit plus interest, the seizing agency shall disburse a pro-rate portion of the interest, together with the cash awarded, to the parties in the order of their priority
- (c) The seizing agency shall retain the balance remaining after payment by the seizing agency to parties designated by the judgment

### **606.3.3 SEIZED VEHICLES**

Vehicles seized subject to forfeiture will be towed to a designated secure storage facility. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as practicable.

Seized vehicles should be towed, not driven, to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property, as either evidence or for safekeeping.

Vehicles lawfully seized, that contain a hidden compartment as defined in ORS 131A.005, should have the hidden compartment disabled or removed prior to release (ORS 131A.030).

### **606.4 ASSET FORFEITURE LOG**

A computerized inventory of all asset forfeiture cases shall be kept in the Detective Unit. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of seizure (federal or state)
- Status of the seizure

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

### **606.5 PROCEEDS FROM FORFEITURE**

All cash seized from criminal forfeiture, together with all cash received from the sale, leasing, renting or operation of the property, must be immediately deposited in an insured, interest-bearing forfeiture trust account or accounts maintained by the seizing agency exclusively for this purpose. Cash may be retained as evidence in a criminal proceeding but must be deposited immediately when the need to retain it as evidence is discharged.

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.

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Expenditures and/or distributions from asset forfeiture proceeds shall be documented for reporting to the Oregon Asset Forfeiture Oversight Committee.

#### **606.6 REPORTING**

The Asset Forfeiture Detective shall prepare and submit all required reports to the Chief of Police for review and approval. Once approved, the reports will be forwarded to the Asset Forfeiture Oversight Committee.

# Confidential Informants

## 608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the West Linn Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

## 608.2 INFORMANT FILE SYSTEM

The Detective Unit Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

### 608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) An informant checklist ensuring that all the required documentation is present.
- (b) Informant's confidential number, full name and any aliases.
- (c) Date of birth, height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.
- (d) Current home address and telephone numbers.
- (e) Current employer(s), position, address(es) and telephone numbers.
- (f) Vehicles owned and registration information.
- (g) Places frequented.
- (h) Informant's photograph, fingerprints (if not already on file with another governmental agency).
- (i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".
- (j) Name of officer initiating use of the informant.
- (k) Signed informant agreement, initialed by the Detective Supervisor indicating approval of individual for use as an informant.
- (l) Initialed copy of Oregon Revised Statutes 161.275 (Entrapment) indicating the informant has read and understood the statute.
- (m) Signature of the informant's true name and any assumed name.
- (n) Written authorization required as a result of the informant being a corrections client, juvenile or defendant.

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- (o) A log of all activity and the expenditure of all confidential funds associated with the informant.
- (p) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Detective Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Division Commander, the Detective Unit Supervisor, or their designees.

#### **608.3 USE OF INFORMANTS**

Before using an individual as a confidential informant, an officer must receive approval from the Detective Unit Supervisor. The officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

##### **608.3.1 JUVENILE INFORMANTS**

The use of juvenile confidential informants is discouraged due to a number of risks. They will only be used when the investigation is of such a nature as to justify the risks. The district attorney should be consulted and a parent or legal guardian's written consent shall be secured. Final approval to use a juvenile confidential informant must be obtained from the Chief of Police.

#### **608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

##### **608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS**

No member of the West Linn Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the West Linn Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

- (a) Officers shall not withhold the identity of an informant from their superiors
- (b) Identities of informants shall otherwise be kept confidential
- (c) Criminal activity by informants shall not be condoned

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- (d) Informants shall be told they are not acting as police officers, employees or agents of the West Linn Police Department, and that they shall not represent themselves as such
- (e) The relationship between officers and informants shall always be ethical and professional
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Detective Unit supervisor
- (g) Officers shall not meet with informants unless accompanied by at least one additional officer or with prior approval of the Detective Unit Supervisor. All exchanges of confidential funds between officers and informants must be witnessed by at least one other officer
- (h) In all instances when Department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses. The voucher shall be signed by the informant using either their true name or a pseudonym registered with a signature in the informant packet. The voucher will also include the case number associated with the expenditure and a description of the benefit obtained (search warrant, arrest, recovered property, etc.)

#### **608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES**

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

##### **608.5.1 PAYMENT PROCEDURE**

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Detective Unit Supervisor will discuss the above factors with the Patrol or Investigative Division Commander to arrive at a recommended level of payment. For the purchase of drugs or property, the amount of payment will generally be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15%.

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#### 608.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized.

#### 608.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police or his designee signatures are required for disbursements over \$500. Payments \$500 and under may be paid in cash out of the Detective Unit Buy/Expense Fund. The Detective Unit Supervisor will be required to sign the cash transfer form for amounts under \$200. The Chief of Police must sign transfer amounts over \$200.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The West Linn Police Department case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds \$500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

#### 608.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.



# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this [department/office] employ eyewitness identification techniques.

### 610.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 610.2 POLICY

The West Linn Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 610.3 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

### **610.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### **610.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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### **610.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

### **610.8 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

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- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) A person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

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## Brady Material Disclosure

### 612.1 SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney. It is recognized and acknowledged that whenever the West Linn Police Department contacts a prosecuting attorney with Brady information, as defined and outlined by this policy, notification will also be made to the Member of this department of that notification.

#### 612.1.1 PURPOSE

Consistent with state and federal law, this protocol is intended to promote consistency in disclosure practices of potentially exculpatory and impeachment evidence contained in law enforcement agency files, protect officers from unwarranted invasions of their privacy, and prevent chilling the law enforcement agency's interest in fully investigating its employees.

Law enforcement agencies in Clackamas County recognize that prosecutors have an affirmative duty to disclose to defendants in criminal cases evidence that is favorable to the defendant and may be material to the guilt and/or punishment of the defendant. This information may be exculpatory in nature, that is, may be evidence that tends to show the defendant is not guilty of the crimes alleged, or may be evidence useful to impeach the testimony of a witness who the state intends to call to testify against a defendant.

Potential impeachment evidence may include, but is not limited to, specific instances of misconduct relating to the officer's bias, credibility or character for truthfulness. Such evidence may be found in the employee personnel, internal affairs or other files maintained by the law enforcement agency.

Law enforcement agencies also recognize that police employees have a privacy interest in the files that agencies maintain, and there is an interest in protecting and respecting that confidentiality.

### 612.2 THE BRADY RULE

"Suppression by the prosecution of evidence favorable to an accused... violates due process where evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." *Brady v. Maryland*, 373 US 83 (1963).

"The three elements of a claim for a Brady violation are that '(t)he evidence at issue must be favorable to the accused, either because it is exculpatory, or because it is impeaching; that evidence must have been suppressed by the State, either willfully or inadvertently; and prejudice must have ensued." *Gentry v. Sinclair*, 693 F3d 867, 887 (9th Cir 2012) (quoting *Strickler v. Greene*, 527 US 263, 281-82 (1999)).

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### **612.3 DEFINITIONS-WHAT IS BRADY INFORMATION**

#### **Favorable Evidence**

Evidence is favorable to the accused if it has either exculpatory or impeachment value. The prosecution must disclose materials that are exculpatory or impeaching. Exculpatory evidence is that evidence which tends to exonerate the defendant's guilt, or which may mitigate the defendant's sentence.

Impeachment evidence is evidence that demonstrates that a witness is biased or prejudiced against a party, has some specific articulable motive to fabricate testimony, has a reputation for being untruthful or has past specific incidents that are probative of the witness' truthfulness or untruthfulness. Prior inconsistent statements are impeachment evidence.

#### **Materiality**

Evidence is material if there is a reasonable probability that had the evidence been disclosed to the defense the result of the proceeding would have been different. A "reasonable probability" is established when the failure to disclose the evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict. Such evidence must have a specific, plausible connection to the case, and must demonstrate more than minor inaccuracies. Evidence is material if it is facially apparent as exculpatory.

#### **Suppression**

In order for a Brady violation to occur, the favorable evidence at issue must have been suppressed by the prosecution, and suppression may be either intentional or inadvertent. In order to ensure compliance with these rules, the United States Supreme Court has urged the "careful prosecutor" to err on the side of disclosure. *Kyles v. Whitley*, 514 US 419, 440 (1995).

### **612.4 GUIDELINES FOR BRADY DISCLOSURE**

The following non-exclusive list of substantiated circumstances or conduct that will implicate and therefore must be disclosed by the law enforcement agency to the prosecutor:

- (a) Untruthfulness in a formal setting: testimony, affidavit, police report, official statement, internal affairs investigation, (was there a finding of dishonesty in IA investigation?)
- (b) Tampering with or fabricating evidence
- (c) Deliberate failure to report criminal conduct by other officers
- (d) Knowingly making a false statement to another officer on which the other officer relies in an official setting
- (e) Criminal conduct that is fraudulent in nature - perjury, forgery, theft
- (f) Dishonesty during internal affairs investigation and/or following a warning

Other deceitful acts that demonstrate disregard for constitutional rights of others or the laws, policies and standards of proper police practice.

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### **612.5 LAW ENFORCEMENT AGENCY DUTIES**

#### **Generally**

Law enforcement agencies must collect and document exculpatory and impeachment information discovered pursuant to administrative and criminal investigations and provide the same to the prosecution. Law enforcement agencies with information that could impeach any non-law enforcement witness must provide that information to the prosecution as well.

### **612.6 PROCEDURE**

#### **Implementation**

1. Each law enforcement agency will designate one or more points of contact (Agency Liaison) who will be the point of contact for the Clackamas County District Attorney's Office regarding issues related to potential Brady information maintained within the agency's files.
2. Agency Liaisons will be trained on their department's obligation to disclose Brady information.
3. Agency Liaison duties will include notifying the Chief Deputy of the Clackamas County District Attorney's Office in writing of the existence of exculpatory or impeachment material relating to employees who may be called as prosecution witnesses.
4. Agency Liaisons will be prepared to testify regarding their agency's compliance with its Brady obligation on a case by case basis.

#### **Duty to Timely Disclose**

1. Agencies must immediately notify the Clackamas County District Attorney's Office anytime they become aware of new Brady information. The Agency Liaison will convey this information to the Chief Deputy of the Clackamas County District Attorney's Office in writing. This information includes, but may not be limited to:

A. Current or Ongoing Investigations: When an agency has determined that information obtained during a pending criminal or internal investigation will likely lead to substantiated findings implicating Brady information, the Agency Liaison will promptly notify the Clackamas County District Attorney's Office. *United States v Olsen*, 704 F.3d 1172, 1190 (9th Cir 2013).

B. Information regarding any final determination by the law enforcement agency of a substantiated or sustained finding related to an employee's/officer's dishonesty, untruthfulness or bias regardless of whether or not discipline was given. Agencies should follow their current policies regarding document retention for substantiated/sustained/founded findings and disciplinary processes.

C. Criminal Conduct or Convictions: Information regarding felony convictions, criminal convictions of an employee/officer related to dishonesty or untruthfulness, and information when there is probable cause to believe an officer has committed a criminal act.

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D. In-Lieu-of Actions/Agreements: Actions/agreements such as resignation, demotion, retirement or separation from service of an employee/officer in lieu of disciplinary action may be Brady information if it is relevant to the case at hand.

E. Expert Witnesses: Any information related to an agency in-house or contracted expert's unsatisfactory work performance that compromises the expert's conclusions or ability to serve as an expert witness, regardless of whether or not discipline was given, requires immediate notification of the Clackamas County District Attorney's Office.

#### 2. Mere Allegations:

A. Mere allegations that are not credible, are false, are unsubstantiated or have resulted in exoneration of an employee are not considered potential impeachment information and need not be disclosed.

3. Requests for Confidential Files and Notification to the District Attorney: In the event a law enforcement agency receives a subpoena from defense counsel for a confidential agency file, the Agency Liaison must immediately notify the Chief Deputy of the Clackamas County District Attorney's Office. In no event should the Agency Liaison produce the requested records directly to the defense attorney without such notification.

4. Review by the District Attorney's Office: The Clackamas County District Attorney's Office maintains a policy prescribing the procedure for review and disclosure of potential Brady/impeachment information regarding law enforcement and government witnesses. The policy covers notice to the officer, the evidence that may be considered, potential outcomes and an appeals process. It should be noted that any subsequent finding in an employment matter (e.g., arbitration finding) may be submitted by the subject officer to the Clackamas County District Attorney's Office for further consideration. The District Attorney's policy is available online at <https://www.clackamas.us.da>.

### **612.7 TRAINING**

Department personnel should receive periodic training on the requirements of this policy.



## Chapter 7 - Equipment

## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.
- (f) All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor. The Administrative Captain shall be responsible for developing and maintaining procedures for the inventory control of department property.

### 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be by memorandum. This memorandum is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage. Reimbursement for damaged or lost personal property will be limited to no more than \$50.

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The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

#### **700.3.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

## Personal Communication Devices

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

### 702.2 POLICY

The West Linn Police Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

### 702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the

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affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

#### **702.4 DEPARTMENT-ISSUED PCD**

The West Linn Police Department issues PCD's to each sergeant, officer, and community service officer. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

#### **702.5 PERSONALLY OWNED PCD**

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.
- (d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
- (f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (g) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers of the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally

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owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

### **702.6 USE OF PERSONAL COMMUNICATION DEVICES**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Officers are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the or the authorized designee, may result in discipline.
- (f) Employees will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

### **702.7 SUPERVISORY RESPONSIBILITIES**

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is

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observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty as such contact may be compensable.

### **702.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ORS 811.507). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### **702.9 OFFICIAL USE**

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects
- (b) Hostage situations
- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events
- (f) Investigative stakeouts
- (g) Emergency contact with an allied agency or allied agency field unit
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

# Vehicle Maintenance

## 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

## 704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

## 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

### 704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk, or spray paint
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 3 Hazardous waste disposal bags
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection supplies
- 1 Roll of Crime Scene tape
- 3-4 28" Traffic Cones with reflective collars or equivalent
- Hand sanitizer



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- Tire Deflation device

Optional: Broom, shovel, nitrile gloves

#### **704.3.2 UNMARKED VEHICLES**

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 5 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- Spray paint, or yellow crayon or chalk1 Evidence collection supplies
- Traffic cones or equivalent

#### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles should be fueled at the end of each shift or when practical. Vehicles shall only be refueled at the authorized location.

#### **704.5 WASHING OF VEHICLES**

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

#### **704.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. This does not pertain to community service officers operating vehicles specifically designed for community service officer functions. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Marked vehicles released to non departmental members for service or any other reason shall have all weapons removed and "out of service" placards or lightbar covers in place.

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#### **704.7 VEHICLE INSPECTION**

Unless delayed by an emergency call, employees shall inspect department vehicles at the beginning of each shift for any damage, and to ensure that all systems, lights and emergency equipment are in good working order. The interiors should be examined to confirm no property or contraband is present. The interior inspection should be repeated at the conclusion of any prisoner transport.

# Vehicle Use

## 706.1 PURPOSE & SCOPE

The Department utilizes City owned motor vehicles in a variety of applications by multiple personnel. In order to maintain a system of accountability and ensure City owned vehicles are used appropriately, regulations relating to the use of City owned vehicles have been established. The term "City owned" as used in this section also refers to any vehicle leased or rented by the City.

## 706.2 USE OF VEHICLES

### 706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the Mobile Digital Computer indicating their respective vehicle number when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify LOCOM for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The Patrol Sergeant shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Assigned employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their assignment to that vehicle. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor.

All vehicles used in patrol operations are equipped with a police radio and emergency equipment as defined by Oregon Revised Statutes 816.250 and Oregon Administrative Rules 735-110-0010 through 735-110-0050. Vehicles with defective emergency equipment should be promptly reported to a supervisor and not used for patrol duties.

### 706.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than scheduled field duties shall first notify the Patrol Supervisor of the reasons for use and a notation will be made on the briefing room white board the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., Command Staff, Detectives), or to Property personnel assigned transportation duties to and from other facilities.

### 706.2.3 UNDERCOVER VEHICLES

Undercover units shall not be used without first obtaining approval from the respective unit supervisor.

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#### **706.2.4 AUTHORIZED PASSENGERS**

Personnel operating City owned vehicles shall not permit persons other than City employees, persons required to be conveyed in the performance of duty, or as otherwise authorized to ride as a passenger in their vehicle.

#### **706.2.5 PARKING**

City owned vehicles should be parked in their designated areas. Employees shall not park privately owned vehicles in areas designated for City owned vehicles unless authorized by a supervisor.

#### **706.2.6 INSPECTIONS**

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

### **706.3 ASSIGNED VEHICLES**

City owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes. The vehicle shall only be used for work-related purposes and shall not be used for personal errands, or transports, unless special circumstances exist and a supervisor gives authorization.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

#### **706.3.1 VEHICLES SUBJECT TO INSPECTION**

All City owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicles shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### **706.4 SECURITY**

Employees may take home City owned vehicles only with prior approval from their Division Commander and shall meet the following criteria:

- (a) The employee lives within a 30 minute (rules of the road obeyed) response time of the West Linn City limits.
  - 1. A longer response time may be appropriate depending on the special assignment of the employee. In that event, the response time shall not exceed 60 minutes.
- (b) Off-street parking shall be available at the employee's residence.
- (c) Vehicles shall be locked when not attended.
- (d) All firearms and kinetic impact weapons shall be removed from the vehicle unless the vehicle is parked in a secured building or garage.

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- (e) When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored at the Department.

### **706.5 ENFORCEMENT ACTIONS**

Officers shall not become involved in enforcement actions when driving an assigned vehicle to and from work outside of this jurisdiction except in circumstances where a potential threat to life, serious property damage, or the circumstances dictate a law enforcement response is needed and no reasonable alternative exists.

Officers driving marked vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

### **706.6 MAINTENANCE**

- (a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.
  - 1. Employees may use the wash station at the City Shops or obtain a ticket for a local car wash from their supervisor.
  - 2. Cleaning/maintenance supplies will be provided by the Department.
- (b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
- (c) Supervisors shall make, at the minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.
- (d) Routine maintenance and oil changes shall be done in accordance with the Maintenance Shop schedule. The vehicles will normally be serviced at the City Shops.

#### **706.6.1 ACCESSORIES AND/OR MODIFICATIONS**

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander of the employee wishing to make the modifications, additions, or deletions.

### **706.7 ACCIDENT DAMAGE, ABUSE, AND MISUSE**

When a City-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction.

When a collision involves a department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the CRAFT team should be summoned to handle the investigation.

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The employee involved in the collision shall complete the City's vehicle accident form. If the employee is incapable, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately, reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift sergeant.

An administrative investigation will may conducted to determine indications of vehicle abuse and misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

## **Chapter 8 - Support Services**

# Property Procedures

## 800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

## 800.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs, latent fingerprints, and DNA evidence.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

**Found Property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

## 800.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence. When not specifically addressed by this manual, collection and handling of all evidence and property should follow the guidelines established by the [State of Oregon Physical Evidence Manual](#).

Employees will provide a receipt for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or the vehicle.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

### 800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:



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- (a) Complete the property in custody form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property label and attach it to each package or envelope in which the property is stored. The original and first copy of the property in custody form shall be submitted to the location designated by the property and evidence division. A copy shall be submitted with the Officer's case report.
- (d) When the property is too large to be placed in a secure locker, the item may be retained in the property / evidence packaging room. Property tags with labels shall be properly attached. Submit the completed property in custody report into the location directed by the property and evidence technician.

#### 800.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs (Including paraphernalia as defined by Oregon Revised Statutes 475.525(2)) shall be booked separately using a separate property in custody form.

The officer seizing the narcotics and dangerous drugs shall place them in a secure locker. The original and first copy of the property in custody form shall be placed in the designated property / evidence location. The remaining copy, or photocopy of the original property in custody form will be submitted with the officer's case report.

#### 800.3.3 EXPLOSIVES/HAZARDOUS SUBSTANCES

Officers who encounter an explosive device shall immediately notify the Patrol Sergeant. The Explosives Disposal Unit (EDU) will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be handled by members of the department (unless they are on EDU) or retained in the police facility. All fireworks, railroad flares, or fuses that are considered safe will be transported to the Fire Department on a regular basis by a property and evidence technician or the seizing officer. Digital images of the items will suffice for evidentiary purposes.

Flammable liquids, corrosive or caustic chemicals or other potentially hazardous materials including explosive devices and fireworks may not be stored in the property room and should not be brought into the police facility. In most cases, they should not be taken into custody. Disposal is the responsibility of the owner. If the substance is to be tested for evidentiary purposes, a small sample should be taken using supplied sample bottles to be sealed in overpack containers.

#### 800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

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- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the property and evidence technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required
- (c) All bicycles and bicycle frames require a property in custody form.. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property and evidence technician, or placed in the bicycle storage area until a property and evidence technician can log the property
- (d) All cash shall be counted in the presence of a supervisor or officer and the envelope initialed by the both present. The Patrol Sergeant shall be contacted for cash in excess of \$1,000 for special handling procedures

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### 800.3.5 COLLECTION AND PRESERVATION OF DNA EVIDENCE

Because DNA evidence can play a key role in establishing guilt or innocence it is important that such evidence be collected, handled and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, officers should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 181.594. The property and evidence technician will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the [Oregon Physical Evidence Manual](#).

#### 800.3.6 COLLECTION AND PRESERVATION OF SAFE KITS

Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved. The West Linn Police Department will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so (ORS 147.397).

The collection and preservation of SAFE Kits from anonymous victims shall be handled by the Administrative Services/ Investigations Division, which shall assign a detective to ensure their proper collection and preservation. When a medical facility notifies this department that evidence

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of a sexual assault has been collected and a SAFE Kit is available, the assigned detective shall be responsible for the following:

- (a) Respond promptly to the medical facility to retrieve the evidence.
- (b) Provide a unique case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.
- (c) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.
- (d) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.

SAFE Kits collected for victims whose identity is not disclosed should be maintained in the same manner as other SAFE Kits, but should not be opened until or unless the victim reports the assault. Opening SAFE Kits may compromise the admissibility of evidence in the event of a prosecution.

Where the identity of the sexual assault victim is not disclosed, a SAFE Kit and related evidence should be retained for 25 years, unless directed otherwise by a Administrative Services/ Investigations Division supervisor. However, in all cases such evidence shall be retained for a minimum of 180 days (ORS 147.397).

#### **800.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately on property in custody forms.

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible.
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Oregon Revised Statutes 475.525(2)
- (e) Fireworks and other hazardous materials
- (f) Contraband

##### **800.4.1 PACKAGING CONTAINER**

Employees shall package all property in a suitable container available for its size. Knife boxes should be used to package knives. All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal.

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Needles or syringes will normally be disposed of in a sharps container and will not be submitted to the Property Room. However, when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

A property label shall be securely attached to the outside of all items or group of items packaged together.

#### **800.4.2 PACKAGING NARCOTICS**

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the secured evidence locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the property / evidence packaging room. The booking officer shall initial and date across the evidence tape of the sealed envelope. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property label shall be attached to the outside of the package. The chain of evidence shall be recorded on the back of this tag.

#### **800.5 RECORDING OF PROPERTY**

The property and evidence technician receiving custody of evidence or property shall record his/her signature and the date the property was received on the back of the property in custody form. At the same time, this information will be entered into the computer evidence tracking system. The tracking system will automatically capture the date and time.

A property barcode shall be obtained for each item or group of items. This number shall be recorded on property tag and the property in custody form.

Any changes in the location of property held by the West Linn Police Department shall be noted in the property computer tracking system.

#### **800.6 PROPERTY ROOM SECURITY**

Access to the Property Room is limited to the property and evidence technician(s). Visitors are to log in and out, including the time, date and purpose of entry. All personnel entering the Property Room must be accompanied at all times by a property and evidence technician.

Annual independent audits will be completed of the Property Room function with an audit report to the Chief of Police.

##### **800.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry into the property computer tracking system shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from the assigned investigator or his/her supervisor.

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Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property and evidence technician. This request may be filled out any time after the booking of property or evidence.

#### 800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property by entering the date and time and the request for laboratory analysis into the computer evidence tracking system.

The property and evidence technician releasing the evidence must complete the required information into the evidence tracking system. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the lab personnel will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence, and a copy will be returned to the property and evidence technician.

#### 800.6.3 STATUS OF PROPERTY

Each person receiving property will sign the appropriate form to maintain the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the computer evidence tracking system, stating the date, time, and to whom the property was released to.

The property and evidence technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be entered into the computer evidence tracking system by the evidence technician indicating date, time, and the person who returned the property.

#### 800.6.4 RELEASE OF PROPERTY

Property may be released to a verified owner at the discretion of the property and evidence technician without further authorization. A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the property release form. After release of all property entered on the property release form, the form shall be forwarded to the Records Division for filing with the case. If some items of property have not been released, the property release form will remain with the property division. Upon release, the proper entry shall be documented in the computer evidence tracking system.

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Property not claimed within 30 days after notification of owner of its availability for release will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

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Unless the owner is known, found property and property held for safekeeping will be held for at least 90 days.

#### **800.6.5 RELEASE OF EVIDENCE**

Evidence may only be released with the authorization of the DA's office, or the officer or detective assigned to the case.

Once a case has been adjudicated or passed the statute of limitations for prosecution, a property and evidence technician can request a disposition authorization from the DA's office or research dispositions through West Linn Police Department approved law enforcement computer databases. The Evidence Technician will release after authorization from the detective sergeant. Care should be taken to ensure there are no outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.

Release of evidence shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the assigned officer or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Once evidence has been authorized for release and is no longer needed for any pending criminal cases, it shall be considered property and released or disposed of in accordance with those procedures.

#### **800.6.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the West Linn Police Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the West Linn Police Department may wish to file an interpleader to resolve the disputed claim (Oregon Rules of Civil Procedure § 31) .

#### **800.6.7 CONTROL OF NARCOTICS & DANGEROUS DRUGS**

The Property Evidence Unit will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

#### **800.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer (60 days or more, plus 30 days after notice), where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property and evidence technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective. Oregon Revised Statutes 98.245 and 98.336 govern the disposition of property held by law enforcement agencies.

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#### 800.7.1 DEFINITIONS

As set out in Oregon Revised Statutes 98.245, the following definition applies to the disposition of property by law enforcement agencies:

**Unclaimed Property** - personal property that was seized by the West Linn Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the West Linn Police Department for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

#### 800.7.2 DISPOSITION

Unclaimed property will be disposed of in accordance with the provisions of Oregon Revised Statutes 98-245. Disposal may consist of:

- (a) Destruction
- (b) Sale at public auction
- (c) Retention for public use

#### 800.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Unit Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Administrative Services/ Investigations Division Supervisor

Biological evidence shall be retained for a minimum period established by law (Ch. 275, Oregon Laws 2011), the Property and Evidence Unit Supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Administrative Services/ Investigations Division Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

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### **800.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a semi-annual basis, the supervisor of the evidence technician shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the department shall be conducted by a Division Commander appointed by the Chief of Police who is not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.



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## Records Division Procedures

### 802.1 PURPOSE AND SCOPE

The Assistant to The Chief of Police shall maintain the Department Records Division Procedures Manual on a current basis to reflect the procedures being followed within the Records Division. Policies and procedures that apply to all employees of this department are contained in this chapter.

#### 802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Division by Records Division personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 09-00001 would be the first new case beginning January 1, 2009.

#### 802.1.2 RECORDS RETENTION

All Department records shall be retained and purged in a manner consistent with applicable provisions of the Oregon Revised Statutes and Oregon Administrative Rules.

### 802.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained within the Records Unit accessible only to authorized Records Unit personnel. Access to report files after hours or when Records Unit personnel are otherwise not available may be obtained through the Patrol Sergeant.

West Linn Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

#### 802.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Division. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Assistant to The Chief of Police. All original reports removed from the Records Division shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Division.

### 802.3 EXPUNCTION

If the Department receives a court order directing that records relating to a particular person's conviction for any offense be expunged, the order shall be complied with as soon as possible, but no longer than 21 days. Arrest records and associated follow-up reports that relate solely to the person described in the order shall be removed from the file and destroyed in their entirety. If the reports also relate to the investigation or arrest of other persons not described in the court

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order, the reports any mention of the subject of the court order will be completely removed from the report and replaced with "expunged". Other information such as relatives names, addresses or license numbers, that could be used to identify the subject of the order, shall also be removed. The order applies to all hard copies of the report as well as any electronic versions that may exist on any computer system under the control of the Department.

#### **802.4 ORDERS TO SEAL OR SET ASIDE REPORTS**

Court orders to seal or "set aside" reports are to be complied with as soon as possible.

Upon receiving such an order, the hard copy of the report shall be placed in a tamper evident envelope and sealed. Sealed reports are to be kept in a separate secure location within the records storage room.

Electronic reports subject to the order to seal shall be electronically moved to a separate secure electronic file that is accessible only by the system administrator.

Sealed reports are not to be unsealed unless, and until, the West Linn Police Department receives a subsequent court order that supersedes the original.

#### **802.5 REPORTING CRIME STATISTICS**

Uniform Crime Reporting (UCR) codes shall be assigned to all crime reports in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. It is the responsibility of Records Division personnel to enter such information into the West Linn Police Department data system and ensure that such information is transmitted on a monthly basis to the Oregon State Police Law Enforcement Data System (LEDS) (Oregon Revised Statutes 181.550).

# Restoration of Firearm Serial Numbers

## 804.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

## 804.2 PROCEDURE

Any firearm coming into the possession of the West Linn Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

### 804.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

### 804.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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#### **804.2.3 OFFICER RESPONSIBILITY**

The property and evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

#### **804.2.4 DOCUMENTATION**

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

#### **804.2.5 FIREARM TRACE**

After the serial number has been restored or partially restored by the criminalistics laboratory, the property and evidence technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or the data may be entered into the ATF [eTrace](#) system.

#### **804.3 BULLET AND CASING IDENTIFICATION**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

# Release of Records and Information

## 806.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of West Linn Police Department reports and records in accordance with applicable law.

## 806.2 PUBLIC REQUESTS FOR RECORDS

Every person has a right to inspect any public record of a public body in this state. The Oregon Public Records Act (ORS Chapter 192) provides that records created by a public agency shall be subject to inspection and release unless exceptions are established by statute. Certain public records relating to law enforcement are exempted as indicated in this policy. The West Linn Police Department will disclose police reports unless the report is exempt from public disclosure under the public records law. Public requests for records of this department shall be processed as follows.

## 806.3 REPORT RELEASE RESTRICTIONS

The procedures set forth in Policy are to be applied in conjunction with the Oregon Public Records Law and the Bar Press Guidelines.

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this agency shall be made public subject to the following restrictions.

## 806.4 CRIMINAL INVESTIGATIONS AND POLICE REPORTS

### 806.4.1 ARREST AND CRIME REPORTS

The record of an arrest or the report of a crime shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

- (a) The arrested person's name, age, residence, employment, marital status and similar biographical information.
- (b) The offense with which the arrested person is charged.
- (c) The conditions of release pursuant to Oregon Revised Statutes 135.230 to 135.290.
- (d) The identity of and biographical information concerning both complaining party and victim.
- (e) The identity of the investigating and arresting agency and the length of the investigation.
- (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used.

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- (g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

#### 806.4.2 INVESTIGATORY INFORMATION

Except as specified in the previous section, Investigatory information compiled for criminal law purposes is exempt from disclosure. The contents of police reports or any other investigatory information shall not be released without the authorization of the detective supervisor in charge of the investigation.

#### 806.4.3 JUVENILE RECORDS

Juvenile records are treated differently from records of adults. When an officer submits a report in which the victim or suspect is a juvenile, the officer will stamp "Juvenile" on the first page of the report.

Except as defined in this section, reports involving juveniles are generally confidential and may not be released. Any requests for reports or records involving juveniles not specifically authorized by this policy should be referred to the County Juvenile Department (ORS 419A.255(2); ORS 419A.255(8)).

- (a) If a youth is taken into custody under circumstances where he/she could be arrested without a warrant if an adult, or pursuant to an order of the Juvenile Court, the following information shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim (ORS 419A.255(6)):
  - 1. The youth's name and date of birth and whether the youth is employed or in school.
  - 2. The youth offense for which the youth was taken into custody.
  - 3. The name and age of the adult complaining party and the adult victim, unless the disclosure of such information is otherwise prohibited or restricted.
  - 4. The identity of the investigating and arresting agency.
  - 5. The time and place that the youth was taken into custody and whether there was resistance, pursuit or a weapon used in taking the youth into custody.
- (b) Any additional information is kept confidential unless requested by one of the following (ORS 419A.255; ORS 419A.257):
  - 1. Other public agencies for use in investigating or prosecuting cases in which the juvenile in question is somehow involved.
  - 2. Department of Human Services, Child Welfare Division, Oregon Youth Authority or the local Juvenile Department.

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- (c) Child abuse cases may only be made available to a law enforcement agency, local or state prosecutors, a child welfare agency or other entities as designated by law (ORS 419B.035).
- (d) Court appointed special advocates (i.e., CASA volunteer or employee) will be permitted to inspect and copy any records held by this department relating to the child or ward involved in a case and members of this department may consult with the court appointed special advocate regarding the case. Consent of the child, ward or parents to the sharing of such information is not required (2012 Oregon Laws c107, §105).

#### **806.5 OTHER DEPARTMENT RECORDS**

##### **806.5.1 MEDICAL RECORDS, SEALED RECORDS, IN CUSTODY RECORDS AND STUDENT RECORDS**

The following records are exempt from disclosure under ORS 192.496:

- (a) Records that contain information about the physical or mental health, or treatment thereof, of a living individual; if the public disclosure thereof would constitute an unreasonable invasion of privacy. The party seeking disclosure shall have the burden of showing by clear and convincing evidence that the public interest requires disclosure in the particular instance and that public disclosure would not constitute an unreasonable invasion of privacy.
- (b) Records less than 75 years old that were sealed in compliance with statute or by court order. Such records may only be disclosed in response to a court order.
- (c) Records of a person who is or has been in the custody or under the lawful supervision of a state agency, a court or a unit of local government, are exempt from disclosure for a period of 25 years after termination of such custody or supervision to the extent that disclosure thereof would interfere with the rehabilitation of the person if the public interest in confidentiality clearly outweighs the public interest in disclosure. Nothing in this subsection, however, shall be construed as prohibiting disclosure of the fact that a person is in custody.

##### **806.5.2 CONDITIONALLY EXEMPT PUBLIC RECORDS**

The following public records will not be released unless the public interest requires disclosure (Oregon Revised Statutes 192.501):

- (a) Records pertaining to any litigation to which the Department is, or is likely to be a party except where litigation which has been concluded.
- (b) Any record pertaining to department operations or the use and deployment of personnel and equipment, if disclosure would endanger public safety or jeopardize a law enforcement activity.
- (c) Records or information that would disclose or jeopardize security measures taken by the Department to protect department members, property or operations.

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#### 806.5.3 OTHER PUBLIC RECORDS EXEMPT FROM DISCLOSURE

The following public records are generally exempt from disclosure and absent a court order or other legal process shall not be released except with the expressed authorization of the Chief of Police or his/her designee (ORS 192.502 et seq.):

- (a) Specific records containing the home address, personal telephone number, or e-mail address of any individual who has previously submitted a written request of non-disclosure in accordance with rules established by the Attorney General.
- (b) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy.
- (c) Personal information of any member of or volunteer of this department including addresses, Social Security numbers, dates of birth and telephone numbers.
- (d) Any public record or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon or Federal law.

#### 806.5.4 PERSONNEL RECORDS

Certain information contained in personnel records is confidential and is also exempt from public disclosure. The following information shall not be released unless the public interest requires disclosure in the particular instance as determined by a court or other legal process (ORS 181.854; ORS 192.501(12); ORS 192.502(2)):

- (a) Medical information contained in medical records and similar uniquely personal information which, if released, would constitute an unreasonable invasion of privacy.
- (b) Records, materials, or documents supporting a personnel investigation that is pending or ongoing or has resulted in discipline of the involved employee.
- (c) Photographs that identify an employee, unless the employee consents in writing.
- (d) Audio or video records of internal investigation interviews (Ch. 485 Oregon Laws 2011).

Any release of such information must be reviewed by department legal counsel and approved by the Chief of Police. Although exempt from public disclosure, such records and information may be subject to discovery in civil or criminal proceedings or as detailed Ch. 485 Oregon Laws 2011. In such a situation, the West Linn Police Department will oppose disclosure unless the court specifically orders the release.

#### 806.5.5 CONCEALED HANDGUN LICENSE

Information contained in Concealed Handgun License applications or other files that contain personal, medical, or similar information, if public disclosure would constitute an unreasonable invasion of privacy, shall not be made public (ORS 192.502).



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No member of this department shall disclose records or information that identifies a person as a current or former holder of, or applicant for, a concealed handgun license, except as provided in ORS 192.410 through ORS 192.505.

#### **806.6 OTHER RECORDS**

The West Linn Police Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure; however, if the disclosure refusal is challenged, the burden will be on the West Linn Police Department to support its refusal (ORS 192.450).

Any record that was created exclusively in anticipation of potential litigation involving this agency shall not be subject to public disclosure (ORS 192.501(1)).

##### **806.6.1 PERSONAL IDENTIFYING INFORMATION**

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, Social Security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (ORS 802.181 and 18 USC § 2721).

#### **806.7 SUBPOENA DUCES TECUM**

Any Subpoena Duces Tecum (SDT) should be promptly provided to the Administrative Assistant to the Chief of Police for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **806.8 RELEASED RECORDS TO BE STAMPED**

Each report released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be noted on the original report by the date the report was released, who released it, and whom it was released to.

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# Computerized Criminal Offender Information/ Computerized Criminal History (CCH)

## 808.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information and persons authorized to release that information.

## 808.2 AUTHORITY

Authority for the release or obtaining of Criminal History information is established in ORS 181.533 through ORS 181.560.

## 808.3 DEFINITIONS

Definitions related to this policy include (ORS 181.010; OAR 257-010-0015):

**Computerized Criminal History (CCH )** - Includes records and related data as to physical description and vital statistics, fingerprints received and compiled by the Oregon State Police (OSP), Identification Services Section for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole and release.

**Criminal Justice Agency** - Includes the following:

- (a) The Governor
- (b) Courts of criminal jurisdiction
- (c) The Attorney General
- (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees of the Office of Public Defense Services and non-profit public defender organizations established under contract with the Public Defense Services Commission
- (e) Law enforcement agencies
- (f) The Department of Corrections
- (g) The State Board of Parole and Post-Prison Supervision
- (h) The Department of Public Safety Standards and Training
- (i) The Oregon Liquor Control Commission
- (j) Any other state or local agency with law enforcement authority designated by order of the Governor

**Designated Agency** - Any state, county or municipal government agency where Oregon criminal offender information is required to implement a federal or state statute, executive order

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### *Computerized Criminal Offender Information/Computerized Criminal History (CCH)*

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or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct or for agency employment purposes, or licensing purposes, or other demonstrated and legitimate needs when designated by order of the Governor.

#### **808.4 ACCESS TO CCH**

CCH may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

##### **808.4.1 ACCESS BY CRIMINAL JUSTICE AGENCIES**

Access to OSP criminal offender information may be granted to Criminal Justice Agencies, where the information is to be used for the administration of criminal justice, Criminal Justice Agency employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs.

##### **808.4.2 CRIMINAL RECORD SECURITY OFFICER**

The Assistant to The Chief of Police is the designated Criminal Record Security Officer for the West Linn Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of criminal history.

##### **808.4.3 RELEASE OF CRIMINAL OFFENDER INFORMATION**

Criminal offender information shall only be released in the following circumstances, as set out by OAR 257-010-0025:

- (a) **Release to Criminal Justice and Designated Agencies:** Oregon criminal offender information may be shared between authorized Criminal Justice and Designated Agencies only as specified in the Oregon Administrative Rules (OAR) and the Law Enforcement Data System (LEDS) Manual.
- (b) **Release of FBI criminal offender information:** Dissemination of FBI criminal offender information to public or private agencies by Criminal Justice or Designated Agencies is prohibited by 28 USC § 534 and 28 CFR 20.33(b). Inquiries for non-official purposes or the checking of records for unauthorized persons or agencies is prohibited. A person wishing to review his/her criminal history record maintained by the FBI should write to: Federal Bureau of Investigation, CJIS Division, Attn: SCU, Module D2, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306. The FBI will inform the person how to obtain a copy of his/her record and, if necessary, how to challenge the accuracy or completeness of that record.

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- (c) **Release of criminal offender information to field personnel:** West Linn Police Department personnel shall not have access to criminal offender information until a fingerprint based background investigation has been completed and approved. Any radio transmission of criminal offender information should only occur when officer or citizen safety is in jeopardy. Cell phones should be used if possible. The transmission should be limited to essential details only, with maximized use of law enforcement codes (10 or 12 code), concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

Requests for criminal offender information other than as authorized in this policy should be referred to the nearest Oregon State Police, Identification Services Section located at 3772 Portland Rd. N.E., Salem, OR 97303. Inquiries may also be made through the OSP webpage at [www.osp.state.or.us](http://www.osp.state.or.us).

#### **808.5 JUVENILE RECORDS**

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to the Temporary Custody of Juveniles Policy for more specific information regarding cases involving juveniles.

#### **808.6 REVIEW OF CRIMINAL OFFENDER RECORD**

An individual may review his/her own Oregon criminal offender information by contacting the Oregon State Police, Identification Services Section located at 3772 Portland Rd. N.E., Salem, OR 97303 (OAR 257-010-0035).

An individual may review his/her local record on file with the Department under the provisions of ORS 192.501(3), and after complying with all legal requirements. This department will not release information originated by any other agency (ORS 192.410 to ORS 192.505).

#### **808.7 PROTECTION OF CRIMINAL OFFENDER INFORMATION**

Any Criminal Justice or Designated Agency or private entity obtaining or receiving criminal offender information shall maintain those records in secure files, available only to authorized agency employees, until they are destroyed by burning, shredding or secure and confidential recycling and shall treat those records in such a manner that the record does not become public information in any later proceeding, except through court order or as otherwise provided by law.

##### **808.7.1 COMPUTER TERMINAL SECURITY**

Any computer terminal with CCH accessing capability must be physically secure and placed in a location not available to unauthorized persons. Computer terminals must be so placed that unauthorized persons may not observe the content of messages transmitted or received on such computer terminal.

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#### **808.7.2 DESTRUCTION OF CRIMINAL OFFENDER INFORMATION**

When any document providing criminal offender information has served the purpose for which it was obtained, it shall be destroyed by burning, shredding, or secure and confidential recycling.

Each employee shall be responsible for destroying the criminal offender information they receive.

#### **808.8 TRAINING PROGRAM**

All personnel authorized to process or release criminal offender information shall be required to complete a training program as prescribed by LEDS (OAR 257-015-0050).

The Training Division shall coordinate the course to provide training in the proper use, control, and dissemination of criminal offender information.

#### **808.9 PENALTIES FOR MISUSE OF RECORDS**

Violation of federal and state regulations governing access to criminal offender information can result in the department's access to that information being terminated. Violation of these procedures can be cause for discipline up to and including termination.

# Computers and Digital Evidence

## 810.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

## 810.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box (For laptops, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property and Evidence Unit. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
  1. Where the computer was located and whether or not it was in operation.
  2. Who was using it at the time.
  3. Who claimed ownership.
  4. If it can be determined, how it was being used.

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- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

### **810.2.1 BUSINESS OR NETWORK COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence. Cases involving networks require specialized training which is available through the Northwest Regional Computer Forensic Lab, the Oregon State Police or another agency having certified examiners.

### **810.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Computer Forensic Examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

### **810.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media, to include hard discs, floppy discs, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request Property Control to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

### **810.4 SEIZING PERSONAL COMMUNICATION DEVICES**

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

### **810.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Officers handling and submitting evidence recorded by officers and stored digitally using digital cameras, audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

#### **810.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

#### **810.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Unit as soon as practical for submission into evidence.
- (b) All pictures and photographs taken on-duty are to be considered digital evidence and shall be entered into evidence in accordance with departmental procedures.
- (c) Use of low resolution (5 megapixel and below) police department issued cell phones for photographing while in the field shall be limited to those circumstances where the



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required image would otherwise be missed if the officer took the time to obtain a higher resolution image using another device.

- (d) As soon as practical following the collection of evidence, one of the following shall be completed depending upon the digital media used. Memory Card
  - 1. Remove the memory card from the digital camera and place the card in a paper envelope.
  - 2. Write your name and the related case number on the outside of the envelope before placing in a secure property locker.
  - 3. Complete a Property in Custody (PIC) form to be submitted at the same time as the card. Media Transfer
    - (a) Photos transferred from police department issued cell phones to department authorized emails are to be completed by downloading or uploading them in the actual size.
    - (b) The images may be transmitted wirelessly directly to the secure evidence photo email or by connecting the cell phone to the computer and saving them on the "R" drive in the "Evidence Photos" file folder. The saved images are to be transferred to the designated secure evidence email specifically for evidence media. Include the case number in the subject line of the email.
    - (c) A PIC form shall be completed the same day the media images or recordings are transferred to the secure web address.
    - (d) The number of digital images transferred to the secure web address is to be noted on the PIC.
    - (e) Photos shall not be deleted from cell phones until a response email from the property and evidence technician is received verifying all downloading and transfers are successfully completed.
- (e) The property and evidence technician shall make a copy of the memory card photos or transfer the images received through the secure email to the storage media for evidence.
- (f) After confirming the images are properly transferred to the storage media, the evidence technician will erase the memory card for re-use and delete the transferred images in the secure email. The storage media will be marked as the original.

#### 810.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.

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- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

### 810.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

# Animal Control

## 816.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for animal control officers and West Linn Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

## 816.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

The Community Service Officer (CSO) shall be responsible for enforcing local ordinances relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The animal control officer shall be under the operational control of the Patrol Operations Division. The animal control officer's assigned working hours will be scheduled by the Patrol Sergeant.

During hours when the animal control officer is on duty, requests for animal control services shall be assigned by the LOCOM or the Patrol Sergeant.

Requests for assistance by the animal control officer shall be acknowledged and responded to promptly.

## 816.3 OFFICER RESPONSIBILITY

During hours when the animal control officer is off duty, or if the CSO is otherwise unavailable, the following animal-related calls for service will be handled by the appropriate on-duty officer.

An officer may be dispatched to animal related calls and should take appropriate actions to control the situation. Due to the hazards of handling animals without proper equipment, a responding officer generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of an animal control equipment stored in the CSO vehicles. The following are examples of when an officer may consider acting before the arrival of the CSO or animal control equipment:

- (a) When there is a threat to the public safety.
- (b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.
- (c) When an animal is creating a traffic hazard.
- (d) When the owner/handler has been arrested and there is no other alternative placement for the animal .
- (e) When the animal is gravely injured.

### 816.3.1 ANIMAL CRUELTY COMPLAINTS

An ACO who becomes aware of an animal cruelty complaint will request an officer to respond and assume the investigation. When probable cause exists, an officer shall arrest persons who

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violate certain cruelty to animal statutes (ORS 133.379). An ACO may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animals associated with the case.

### **816.3.2 STRAY DOGS**

Attempts should be made to contact the owner of the stray dog. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If the animal is not released, it shall be transported to the Clackamas County Animal Shelter. The appropriate forms should be filled out and copies left with the Animal Shelter and the CSO. Once a dog has been taken into custody, the proper release forms and procedures are handled by the Animal Shelter.

### **816.3.3 ANIMAL BITE REPORTS**

Officers shall obtain as much information as possible for forwarding to the animal control officer for follow-up. An Animal Bite Report Form must be completely filled out and attached to the incident report, with a copy forwarded to the County Health Department.

Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the CSO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

### **816.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Officers shall obtain and forward to the CSO as much information as possible regarding the nature of the complaint including identity of the complaining person, owner information (if possible) and location of the problem. Officers will also document any actions taken and citation(s) issued in any related report.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the animal control officer may be called to duty to handle. If the CSO is unavailable, a supervisor may request the assistance of an animal control officer from another agency.

All requests to call in the animal control officer must be approved by a supervisor.

## **816.4 DECEASED ANIMALS**

Deceased animals on public property will be removed and properly disposed of by the CSO. Field officers will remove deceased animals when the animal control officer is not on duty. The deceased animals shall be placed in plastic bags and taken to the Robinwood Facility and placed in the designated freezer.

- (a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the CSO truck.
- (b) Neither the CSO nor any Officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

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Large animals such as deer, elk, coyotes, etc., should be moved to the side of the roadway, if possible, for later removal by the Road Department.

#### **816.5 INJURED ANIMALS**

When any injured domesticated animal is brought to the attention of a member of the West Linn Police Department, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below.

- (a) During normal business hours, the animal should be taken to either of the listed veterinary care clinic, or the 24 hour emergency Vet clinics listed in b.
  - 1. VCA West Linn Animal Hospital 19343 Willamette Drive, West Linn 503-635-3115 Mon-Fri 0800-1800 hrs Saturday 0800-1700 hrs Closed Sundays
  - 2. Cascade Summit Animal Hospital 22320 Salamo Road, West Linn 503-655-1722 Mon-Fri 0800-1800 hrs Saturday 0900-1300 hrs Closed Sundays
- (b) If after normal business hours, the animal should be taken to one of the below listed Veterinary Emergency & Critical Care Services Clinic.
  - 1. Northwest Veterinary Specialists 16756 SE 82nd Drive, Clackamas 503-656-3999 24 Hours, 7 Days a week
  - 2. Emergency Veterinary Clinic of Tualatin 19314 SW Mohave Court, Tualatin 503-691-7922 Mon-Thurs 1800-0800 hrs Fri-Mon 1800-0800 hrs
  - 3. Dove Lewis Emergency Animal Hospital 1984 NW Pettygrove, Portland 503-228-7281 24 Hours, 7 Days a week
- (c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.
  - 1. When the need to euthanize a seriously injured or dangerous animal exists, Policy Manual section 304 (Shooting Policy) shall be followed. The decision to euthanize a seriously injured animal will rest with the supervisor.
- (d) Injured wildlife should be referred to the Marine Mammal Center, Oregon Department of Fish and Wildlife or the Oregon State Police, as applicable.
- (e) When handling dead or injured animals police department employees shall attempt to identify and notify the owner of the final disposition of the animal.
- (f) Each incident shall be documented to include, at minimum, the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the animal control officer is off duty, the information will be forwarded for follow-up.

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#### **816.6 CITATIONS**

It should be at the discretion of the officer or the supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

#### **816.7 POST-ARREST PROCEDURES**

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

## **Chapter 9 - Custody**

# Custodial Searches

## 900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the West Linn Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody Search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

## 900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.



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#### **900.4 SEARCHES AT POLICE FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the West Linn Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

##### **900.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's West Linn Police Department identification number and information regarding how and when the property may be released.

##### **900.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

##### **900.4.3 RECEIPT FOR PROPERTY OR MONEY**

The officer or other member charged with such inventories shall ensure that the individual receives a receipt for any money or other property received and should have the individual countersign both the original and duplicate receipt. Members will otherwise comply with ORS 133.455 if the individual is unable to sign.

#### **900.5 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

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- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Supervisor and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Shift Supervisor's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any department members present.
  - 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

#### **900.6 TRAINING**

The Training Coordinator shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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#### **900.7 CLOSED CONTAINER SEARCHES**

Closed containers will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.

Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of \$10, valuables or a hazardous material.

# TEMPORARY CUSTODY OF ADULTS

## 902.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the West Linn Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

**Safety checks** - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

**Temporary custody** - The time period an adult is in custody at the West Linn Police Department prior to being released or transported to a housing or other type of facility.

## 902.2 POLICY

The West Linn Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

## 902.3 GENERAL CRITERIA AND SUPERVISION

Absent emergency or extenuating circumstances, no adult should be in temporary custody for longer than four hours (ORS 169.005). An officer must be accompanied by at least one other officer upon entry into the temporary holding area until the custody is securely restrained to either the Intoxilyzer area bench or inside a secured holding cell.

### 902.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the West Linn Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported (ORS 169.105).

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(b) Any individual who has a medical condition, including pregnancy, which may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Mental Illness Commitments Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated (ORS 430.399).

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

(j) Foreign nationals requiring a mandatory Consular notification.

#### 902.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could reasonably conflict with his/her supervision (ORS 169.078). Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female officer should be present when a female adult is in temporary custody if the custodial process is not video recorded. In the event the custodial process is not recorded or there is no female member readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

#### 902.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody shall be restricted to:

(a) Authorized members entering for official business purposes

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(b) Emergency medical personnel when necessary

(c) Any other person authorized by a supervisor

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

### **902.4 INITIATING TEMPORARY CUSTODY**

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others.

The officer should ask the individual about any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The officer should promptly notify the supervisor of any condition that may warrant immediate medical attention or other appropriate action. The supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

#### **902.4.1 SCREENING AND PLACEMENT**

The officer responsible for an individual in custody shall:

(a) Advise the supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Individuals in custody shall only be placed in a temporary holding cell by themselves. Multiple individuals in custody may not occupy the same holding cell at the same time.

### **902.5 SAFETY, HEALTH AND OTHER PROVISIONS**

#### **902.5.1 TEMPORARY CUSTODY LOGS**

Any time an individual is in temporary custody at the West Linn Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name

(b) Date and time of arrival at and departure from the Department

(c) Any charges of which the individual is in temporary custody

(d) Associated case number

(e) Officer's name and DPSST number

Any medical emergencies or otherwise unusual or significant circumstances should be recorded and documented in an applicable report.

The Patrol Sergeant or Officer-In-Charge should make periodic checks to ensure all log entries and safety and security checks are made on time.

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#### 902.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or proceeding anyone in temporary custody shall ensure:

- (a) Safety checks are performed.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins (ORS 1169.078).
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (i) Adequate furnishings are available, including suitable chairs or benches (ORS 169.078).

#### 902.5.3 MEDICAL CARE

First-Aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor shall meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the West Linn Police Department. They should be released or transferred to another facility as appropriate.

#### 902.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

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Whenever a prosthetic or orthopedic appliance is removed, the Patrol Sergeant or Officer-in-Charge shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that the risk no longer exists.

#### **902.5.5 TELEPHONE CALLS**

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult.

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child care or dependent adult care, or transportation upon release.

1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

#### **902.5.6 RELIGIOUS ACCOMMODATION**

Subject to available resources safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings should be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

#### **902.6 USE OF RESTRAINT DEVICES**

Individuals in custody shall be handcuffed in accordance with the Handcuffing and Restraints Policy. Individuals in custody will remain handcuffed for the duration of their temporary custody. All handcuff transitions from the front or back of the body to the opposite side of the body shall only be performed in the presence of two or more officers.

All individuals in custody shall be restrained with handcuffs in the front of their body and those handcuffs attached to the secure ring on the bench. The exception to this would be when a custody is required to perform investigative tests upon the direction of an officer or when the custody is using the restroom facility.



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### **902.6.1 PREGNANT ADULTS**

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

### **902.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed from a person anytime that person is being held inside a temporary holding cell. Any property seized for any reason shall be inventoried and the subject should sign a property receipt. Other property will remain in a bin outside the holding cell to be released to or transported with a subject being transported after released from the temporary holding cell.

Personal property includes shoes or shoelaces, belts and all personal effects located in the subject's possession.

The supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The supervisor shall attempt to prove or disprove the claim.

### **902.8 HOLDING CELLS**

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and in addition, anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets shall be removed.
- (b) The individual shall constantly be monitored by a video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) Safety checks by department members shall occur approximately 15 minutes.
  - 1. The safety check should involve questioning the individual as to his/her well-being.
  - 2. Individuals who are sleeping or apparently sleeping should be awakened.
  - 3. Requests or concerns of the individual should be attended to if appropriate.

### **902.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

The Operations Captain will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the West Linn Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate

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- (b) Immediate notification of the Supervisor, Captain, and Chief of Police
- (c) Notification of the Clackamas County Major Crimes Team
- (d) Notification of the District Attorney/City Prosecutor
- (e) Notification of the Medical Examiner
- (f) Evidence preservation

### **902.10 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
  - (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
  - (c) It has been confirmed that the correct individual is being released or transported.
  - (d) All property, except evidence, contraband or dangerous weapons, have been returned to, or sent with, the individual.
  - (e) All pertinent documentation accompanies the individual being transported to another facility (.g., copies of booking forms, medical records, an itemized list of his/her seized property, warrant copies).
  - (f) The individual is not permitted in any non-public areas of the West Linn Police Department unless escorted by a member of the Department.
  - (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation is transported with the individual if he/she is being sent to another facility.
1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
  - (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

### **902.11 ASSIGNED ADMINISTRATOR**

The Operations Captain will ensure any reasonably necessary supplemental procedures are in place to address the following issues (ORS 169.078):

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- (a) General security and equipment
- (b) Key control
- (c) Sanitation and maintenance of holding cells
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

### **902.12 TRAINING**

Department members should be trained and familiar with this policy and any supplemental procedures.

## **Chapter 10 - Personnel**

# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

It is the policy of the West Linn Police Department to provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the West Linn Human Resources Department.

## 1000.2 POLICY

In accordance with applicable federal, state and local law, the West Linn Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The [Department/Office] does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The [Department/Office] will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.2.1 MINIMUM REQUIREMENTS

All persons hired by this department must meet the applicable minimum standards established by law, in addition to any standards established by this department. The Administrative/ Investigations Division Commander shall ensure that:

- (a) Persons hired as law enforcement officers by this department meet the minimum employment standards and requirements set by the Oregon Department of Public Safety Standards and Training (DPSST) (OAR 259-008-0010 and OAR 259-008-0070).
- (b) Persons hired for any other position meet the requirements established by this department.
- (c) Personal history investigations for sworn and non-sworn positions are conducted and retained appropriately and that all applicants are interviewed personally, prior to employment, by the Chief of Police or the authorized designee (OAR 259-008-0015).

### 1000.2.2 SELECTION PROCESS

- (a) The selection process for sworn candidates for the Department may include the following components:

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1. A written test demonstrating a 12th grade reading and writing level in the English language. (Generally not required for Certified Lateral )
  2. Supplemental questionnaire.
  3. Oral interview board.
  4. Physical Ability Test (ORPAT).
  5. A Comprehensive Background .
  6. Command Interview with Chief and Captains.
  7. Psychological Exam.
  8. Physical Exam " Minimum requirements mandated by Oregon Department of Public Safety Standards & Training (Oregon Administrative Rules 259-008-0010(8)).
  9. Drug screen.
  10. Physical and psychological examinations will be conducted as the final step in the selection process, after a conditional job offer is communicated.
- (b) The selection process for positions for the Department may include the following components:
1. Skill testing demonstrating proficiency in written and oral communications, and various tasks associated with the specific job applied for.
  2. Supplemental questionnaire.
  3. Oral interview board.
  4. A Comprehensive Background .

#### **1000.3 STANDARDS**

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The West Linn Human Resources Department maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the West Linn or State of Oregon hiring standards. The disqualifiers listed below are examples and are not intended to be all inclusive. Other factors may also disqualify applicants. Final decisions will be at the discretion of the Chief of Police.

The following standards have been adopted for public safety applicants:

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#### 1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid Oregon driver's license
- (b) The ability to drive safely
- (c) The ability to control a motor vehicle at high speeds
- (d) The ability to operate a motor vehicle in all types of weather conditions
- (e) The following shall be disqualifying:
  - 1. Receipt of three or more moving violations (or any single instance of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
  - 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
  - 3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

#### 1000.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.
- (c) Showing strong moral character and integrity in dealing with the public.
- (d) Being honest in dealing with the public.
- (e) The following may be disqualifying:
  - 1. Any material misstatement of fact or significant omission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
  - 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

#### 1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

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- (b) The following may be disqualifying:
  - 1. Conviction of any criminal offense classified as a misdemeanor under Oregon law within three years prior to application
  - 2. Conviction for two or more misdemeanor offenses under law as an adult
  - 3. Conviction of any offense classified as a misdemeanor under Oregon law while employed as a peace officer (including military police officers)
  - 4. Admission(s) of having committed any act amounting to a felony (including felonies treated as misdemeanors at sentencing) under Oregon law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
  - 5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
  - 6. Admission(s) of any act of domestic violence as defined by law, committed as an adult
  - 7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than three years difference in age existed at the time of the acts
  - 8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

#### 1000.3.4 DEPENDABILITY

- (a) A record of submitting reports on time and not malingering on calls
- (b) A record of being motivated to perform well
- (c) A record of dependability and follow through on assignments
- (d) A history of taking the extra effort required for complete accuracy in all details of work
- (e) A willingness to work the hours needed to complete a job
- (f) The following may be disqualifying:
  - 1. Missing any scheduled appointment during the process without prior permission
  - 2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations



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3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
4. Having a work history that indicates an inability to maintain a long-term relationship with an employer or to establish and work toward achieving long-term goals
5. For officer applicants having undergone personal bankruptcy more than once; having current financial obligations for which legal judgments have not been satisfied; currently having wages garnished; or any other history of financial instability. The credit history of an applicant or employee shall not be used or obtained as part of an employment decision, including hiring, discharge, promotion or demotion, unless the position qualifies as a public safety officer as defined in OAR 839-005-0075 (ORS 659A.320).
6. Resigning from any paid position without notice may be disqualifying, except where the presence of a hostile work environment is alleged
7. Having any outstanding warrant of arrest at the time of the application

#### 1000.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
- (e) The following may be disqualifying:
  1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
  2. Having been academically dismissed from any DPSST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another DPSST basic law enforcement academy shall rescind this requirement

#### 1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy
- (c) Discretion, not enforcing the law blindly
- (d) Effectiveness in dealing with people without arousing antagonism

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- (e) The ability to understand the motives of people and how they will react and interact
- (f) The following may be disqualifying:
  - 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
  - 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
  - 3. Having been disciplined by any employer as an adult for fighting in the workplace

#### 1000.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations
- (b) The ability to make sound decisions on the spot
- (c) The ability to use good judgment in dealing with potentially explosive situations
- (d) The ability to make effective, logical decisions under pressure
- (e) The following may be disqualifying:
  - 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
  - 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

#### 1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession may be considered automatic disqualifiers for public safety applicants, with no exceptions:
  - 1. Any adult use or possession of a drug classified as a hallucinogenic within ten years prior to application for employment
  - 2. Any adult use or possession of marijuana within six months prior to application for employment
  - 3. Any other illegal adult use or possession of a drug not mentioned above shall be considered under the West Linn Police Departments "Use of Controlled & Dangerous Substances for Sworn and Non-Sworn Personnel" guidelines.
  - 4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or national security capacity.
  - 5. Any adult manufacture or cultivation of a drug or illegal substance

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6. Failure to divulge to the Department any information about personal illegal use or possession of drugs
  7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
1. Any illegal use or possession of a drug as a juvenile
  2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than six months ago or cocaine use longer than six years ago.)
  3. Any illegal or unauthorized use of prescription medications not prescribed to the individual but for a purpose consistent with the drugs intended uses (e.g. the use of a roommates prescribed Adderall to improve focus while studying for a college exam).

# Evaluation of Employees

## 1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

## 1002.2 POLICY

The West Linn Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

## 1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing with ten days of receipt of the evaluation.

### 1002.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered in the Reserve Officers Policy.

## 1002.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for six months before being eligible for certification as regular employees. An evaluation is required prior to the completion of the non-sworn probationary period. Probationary officers in field training are evaluated in accordance with the current field training and evaluation process.

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#### **1002.5 FULL-TIME REGULAR STATUS PERSONNEL**

Regular employees are subject to two types of performance evaluations:

**Annual** - An evaluation "Employee Performance Summary" shall be completed once a year in conjunction with the April shift change.

**Quarterly** - A quarterly review of goals, strengths, and weaknesses in a less formal document.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (work plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

#### **1002.6 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Regular employees may also write comments in the employee comments section of the performance evaluation report within ten days of receipt of the evaluation.

##### **1002.6.1 INSPECTION OF REQUIRED EQUIPMENT**

At least annually, supervisors conducting the performance review will inspect all department issued equipment, including firearms, taser cartridges, keys, knives, uniforms and duty gear.

Issued equipment will be tracked using the Equipment Database. The inventory check list will become part of the employee's evaluation. The inspection will include physically inspecting the condition of the issued equipment, and changes in the inventory will be noted.

##### **1002.6.2 REQUIRED CHECKS BY REVIEWING ADMINISTRATOR**

The Assistant to the Chief or Captains annually will check the employee's driving records, driving status, LEDS entries, NCIC entries and criminal history to ensure they meet the minimum qualifications of their job description and that they are not prohibited from possessing firearms due to convictions or restraining orders.

The reviewing supervisor will also check all certifications required for the position being evaluated for compliance. Certifications include Department of Public Standards and Training (DPSST) certifications, Law Enforcement Data System (LEDS) and Intoxilyzer certification, first aid and CPR, and others as required by the specific position.

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The reviewing supervisor should note if applicable the employee's completion of required training, qualifications, Pursuit Immobilization Techniques (PIT), defensive tactics, Taser, and compliance with DPSST maintenance training. The reviewing supervisor will coordinate this with the Training Coordinator.

#### **1002.7 EVALUATION REVIEW**

Prior to the supervisor reviewing the evaluation with the employee the Division Commander will review the evaluation for fairness, impartiality, uniformity, and consistency. After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Division Commander. The Division Commander shall evaluate the supervisor on the quality of ratings given.

#### **1002.8 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the City's Human Resources Department. A copy will be given to the employee and a copy will be kept in the employees working file.

# Promotional and Transfer Policy

## 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion or transfer within the ranks of the West Linn Police Department and the processes to be followed.

### 1004.1.1 DEFINITIONS

**Promotion** - Advancement as a result of selection, based on a competitive process, for a regular position identified by a separate job description and a separate and higher pay range than the position previously held.

**Transfer** - Assignment to a different shift, work assignment or duty station. Although the duration of the assignment may vary, it generally considered to be temporary and subject to change at the discretion of the Chief of Police.

### 1004.1.2 SWORN NON-SUPERVISORY ASSIGNMENTS

The following positions are considered transfers and/or additional duty assignments in addition to their normal duties and are not considered promotions:

- (a) Clackamas County SWAT Team
- (b) Detective
- (c) Motor Officer
- (d) CRASH Accident Investigator
- (e) Field Training Officer
- (f) Defensive Tactics Instructor
- (g) Firearms Instructor
- (h) TriMet Transit Police Division
- (i) Rangemaster
- (j) Clackamas County Interagency Task Force
- (k) Clackamas County Major Crimes Team
- (l) Peer Support Team
- (m) School Resource Officer

The above list does not necessarily reflect every position available to members of this department and assignment to, and filling of a position is at the discretion of the Chief of Police.

## 1004.2 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

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- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
  - 1. Emotional stability and maturity.
  - 2. Stress tolerance
  - 3. Sound judgment and decision-making.
  - 4. Personal integrity and ethical conduct.
  - 5. Leadership
  - 6. Initiative
  - 7. Adaptability and flexibility.
  - 8. Ability to conform to organizational goals and objectives in a positive manner.

#### **1004.2.1 DESIRABLE QUALIFICATIONS**

The following qualifications apply to consideration for assignment to additional duties, transfer, and/or promotion.

- (a) Three years' experience
- (b) Off probation
- (c) Has shown an expressed interest in the position applied for
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by the Department of Public Safety Standards and Training or law

#### **1004.3 SELECTION PROCESS**

The following criteria apply to transfers or additional assignments.

- (a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.
- (b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.
- (c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Chief of Police.
- (d) Appointment by the Chief of Police



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The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

#### **1004.4 PROMOTIONAL SELECTION PROCESS**

Specifications for promotional opportunities are on file with the West Linn Department of Human Resources. Promotions will be determined in accordance with the following procedures:

- (a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate within the past 12 months will submit these recommendations.
- (b) The selection process may include but is not limited to any of the following components depending on the position being filled, the job requirements and the skills needing to be evaluated:
  - 1. Written exam
  - 2. Oral Board
  - 3. Specific skill testing
  - 4. Background Investigation
  - 5. 360 Degree Review
  - 6. Psychological evaluation
  - 7. Assessment Center
  - 8. Interview with the Chief of Police

The Chief of Police will make the final selection.

# Complaint and Grievance Resolution

## 1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

### 1006.1.1 GRIEVANCE DEFINED

**Grievance-** A grievance, for the purpose of this procedure, is defined as a dispute regarding the meaning of or interpretation of a particular clause, or regarding an alleged violation of the Collective Bargaining Agreement

**Complaint-** For the purposes of this procedure a complaint is any difference of opinion concerning terms or conditions of employment, or a dispute involving the interpretation or application of any Department policies or City rules and regulations covering personnel practices or working conditions, by the affected person(s).

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in Policy Manual § 328; and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in Policy Manual § 1020.

## 1006.2 PROCEDURE

If an employee believes that he or she has a grievance or complaint as defined above, then that employee shall observe the following procedure:

The procedures outlined in the respective Collective Bargaining Agreement; Article 10 "Grievance and Arbitration Procedures" if the employee is in a represented classification, and the alleged violation is a violation of the respective CBA.

The procedures outlined in the West Linn Personnel Policy #6 for non-represented employees of the West Linn Police Department and those violations that are not violations of any CBA.

## 1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process.

Employee Representation will follow the procedures outlined in the Collective Bargaining Agreement.

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### **1006.4 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded through the Chief of Police or his designee to the Human Resources Department for inclusion into a secure file for all written grievances.

# Reporting of Employee Convictions

## 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

## 1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Oregon and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; ORS 107.095(5); ORS 166.270).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

ORS 166.270 carries specific prohibitions on the carrying of firearms or other weapons upon a felony conviction in the State of Oregon, any other state or under federal law.

ORS 107.095(5) addresses when a restraining order can lead to a violation of the firearms prohibitions of 18 USC § 922. Employees that are or have become subject to such an order shall promptly report that information to a supervisor.

## 1010.3 OTHER CRIMINAL CONVICTIONS

Oregon Administrative Rules 259-008-0010(4) prohibits any person convicted of a felony from being a peace officer in the State of Oregon. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

## 1010.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

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officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

#### **1010.5 PROCEDURE FOR RELIEF**

A peace officer may petition the court for permission to carry a firearm following a conviction under state law. However, federal law does not provide for any such similar judicial relief and the granting of a state court petition under Oregon Revised Statutes 166.274 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources (Oregon Revised Statutes 166.274).

An individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time (Oregon Revised Statutes 107.718).

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The West Linn Police Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

# Alcohol and Drug Use Policy

## 1012.1 PURPOSE AND SCOPE

The intent of this policy is to prevent the use of drugs or alcohol in a manner that can affect the performance of duties or threaten the safety of members of this Department or the public. "Drugs" includes all substances regulated under the Federal Controlled Substances Act, as well as any other substances that have a mind-altering or function-altering affect on the human body. For medications containing controlled substances, refer to the "Medications" section of this Policy.

## 1012.2 GENERAL GUIDELINES

This policy applies to all members of the Department (i.e. employees and reserve officers) unless an applicable collective bargaining agreement contains provisions prohibiting the use of alcohol and drugs in the workplace. In that event, the collective bargaining agreement shall be the controlling document.

## 1012.3 EMPLOYEE ASSISTANCE PROGRAM

Members of the Department who engage in any of the following prohibited conduct will be subject to disciplinary action, including termination of employment:

### 1012.3.1 WORKING WITH DRUGS OR ALCOHOL PRESENT IN THE BODY

Working, reporting to work, or returning to work following breaks or meal periods, or being present on City premises while on or off-duty, with any amount of drug(s) or alcohol in a member's system and/or testing positive under this policy. "Testing positive" means a confirmed test result of any detectable level of alcohol or drug(s), and shall be deemed conclusive evidence of a violation of this policy. As used in this policy, "City premises" includes all property rented, leased, owned or controlled by the City of West Linn, including parking lots and adjacent areas and including City equipment and vehicles, whether on or off City property. **Note:** As a limited exception to this rule, members may be expressly authorized to consume alcohol while working as part of a special assignment. Members may also be permitted to consume alcohol at a Department sponsored event, with the express permission of the Chief of Police or other City official. In all of these situations, members of the Department must exercise good judgment, comply with the behavior and performance standards of the department, and obey all applicable motor vehicle laws.

### 1012.3.2 ACTIVITIES INVOLVING DRUGS OR ALCOHOL

Consuming, manufacturing, buying, selling, distributing or possessing any drug(s) or alcohol on City premises while on or off-duty, or while performing work or other activities on the City's behalf while off the premises

### 1012.3.3 FAILURE TO COOPERATE

Failing to fully cooperate with any aspect of the Department's enforcement of this policy, including but not limited to, refusing to promptly submit to required testing; giving false, diluted, or altered

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urine samples or assisting another member of the Department in doing so, or failure to comply with rehabilitation conditions imposed by the Department or rehabilitation counselors.

#### **1012.3.4 FAILING TO REPORT ARRESTS AND CONVICTIONS**

Failure to promptly report a conviction, arrest or plea-bargaining for an alcohol or drug related offense. All drug and alcohol related convictions, arrests and plea-bargaining arrangements must be reported to a Captain or the Chief of Police promptly at the first opportunity after the conviction, arrest or plea-bargaining arrangement.

#### **1012.3.5 COMPLISNCE WITH STATE AND FEDERAL LAW**

In addition to the above, members of the Department must comply at all times with all applicable federal and state laws and regulations regarding the use of alcohol and controlled substances. Marijuana is a Schedule I drug under the federal Controlled Substances Act, which means that it has no acceptable medical use, and its possession for any purpose is illegal under federal law. Use of marijuana is prohibited under this policy even if the member has a prescription under state law. Any member who is using marijuana under a prescription for a disability must contact Human Resources prior to working with any amount of marijuana in his/her system. Human Resources, in consultation with the Chief of Police, will discuss with the member whether there is a reasonable accommodation that would enable the member to comply with this policy.

#### **1012.4 WORK RESTRICTIONS**

A member of the Department who uses a prescription medication is responsible for consulting with his or her doctor to determine whether there are any side effects that could affect the member's ability to safely and competently perform his or her job duties. Similarly, a member who uses an over-the-counter medication is responsible for reading the package insert to determine if there are any side effects that could affect the member's ability to safely and competently perform his/her job duties. If the member, or the member's doctor, believes that the member may be experiencing such side effects, the member must notify a Captain or Human Resources, prior to working with the medication in his or her system. The member need not disclose the medical condition for which the medication is being taken unless the Department determines that this is necessary to comply with its legal obligations. If the member gives notice that he is taking medication and may be having side effects, or if the Department has reason to believe that a member is experiencing side effects from a medication, the Department may require the member to provide medical verification from his or her doctor of the ability to safely and competently perform his or her job duties. The member may be relieved of duties pending the medical verification if the Department believes the member's job performance is being affected, or that there is a safety risk to the member, other members of the Department or the public. The Department also reserves the right to: Obtain a second opinion from a qualified doctor, selected by the Department at its own expense, if the Department believes there is reason to question the validity or reliability of the member's doctor's opinion; and If there is a conflict, obtain the opinion of a third qualified doctor, selected by the Department at its own expense, to resolve the conflict. As stated above, reporting to work or working with any amount of marijuana in a member's system is a violation of this policy. A member who is using

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marijuana under a prescription for a disability must contact Human Resources prior to working with any amount of marijuana in his or her system, to determine whether there is a reasonable accommodation that would enable the member to comply with this policy. Although the lawful use of prescription or over-the-counter medications is not grounds for corrective action by itself, failure to follow the reporting procedure discussed above may subject a member to disciplinary action, including termination of employment. Members may also be subject to disciplinary action for using medication that is unlawfully obtained, or for use that is inconsistent with the prescription or label.

#### **1012.5 REQUESTING SCREENING TESTS**

##### **1012.5.1 ADDITIONAL SCREENING TESTS FOR OFFICERS**

An applicant who receives a conditional job offer for that the Department considers to be safety-sensitive will be required to satisfactorily pass a post-offer, pre-employment drug test.

##### **1012.5.2 SCREENING TEST REFUSAL**

A member will be subject to testing for alcohol and/or drugs if a trained supervisory employee determines that there is a reasonable suspicion that the member has drugs or alcohol in his or her system, in violation of this policy. Reasonable suspicion must be based on specific, contemporaneous, identifiable observations, including the appearance, behavior, speech, or body odors of the member, or other reliable indicators. Members who are required to submit to reasonable suspicion testing are prohibited from transporting themselves to or from the collection site unless there has been a verified negative test result. A supervisory employee will provide such transportation.

##### **1012.5.3 POST-ACCIDENT TESTING**

Members are subject to testing for the presence of drugs and/or alcohol following an accident involving any Department owned vehicle, an injury to any person, a citation for a moving violation, or property damage that the Department determines to be significant. Under this policy, a member will not be required to submit to post-accident testing for alcohol by blood or by breathalyzer unless there is reasonable suspicion that the member had drugs and/or alcohol in his/her system at the time of the accident.

##### **1012.5.4 RETURN TO DUTY FOLLOW-UP TESTING**

Members who violate this policy and are permitted to enter into a Last Chance Agreement in lieu of termination of employment will be required to submit to return-to-duty and individualized follow-up testing as outlined by a Substance Abuse Professional (SAP) and/or the terms of the Last Chance Agreement.

#### **1012.6 CONFIDENTIALITY**

All City property, including but not limited to desks, equipment, vehicles, lockers, etc., will remain the property of the City and will be subject to search if there is reasonable suspicion that the desk, vehicle, locker, item, etc. being searched contains drugs or alcohol. In other words, members have no reasonable expectation of privacy in these areas. However, no member of the Department



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shall be forcibly searched or detained. All illegal drugs or drug paraphernalia found in or on City property will be released to law enforcement.

#### **1012.7 SAFEGUARDS**

The Department recognizes the sensitivity of enforcing this policy, and therefore will utilize qualified supervisory personnel and make arrangements with a certified laboratory to administer testing under this Policy. All positive test results will be confirmed using the Gas Chromatography/Mass Spectrometry (GC-MS) testing method, or another confirmatory testing method approved by law. Test results and other information concerning drug and alcohol investigations will be treated confidentially and released only on a need-to-know basis or as required by law.

#### **1012.8 EMPLOYEE ASSISTANCE PROGRAM**

A member of the Department who believes he or she may have a substance abuse problem is encouraged to discuss the problem with a Captain or the Chief of Police or Human Resources. Although the Department will generally support treatment efforts for a member with a substance abuse problem who voluntarily seeks assistance, this option must be pursued before the substance abuse results in performance or attendance problems or a violation of this policy, and before being directed to submit to testing under this Policy.

When a member voluntarily seeks assistance as described above, he or she may be placed on a leave of absence, at the Department's discretion or as required by law, to allow for evaluation by a qualified medical professional or substance abuse professional (SAP) and/or inpatient or outpatient treatment. The member will not be permitted to work until such time as the SAP or other qualified medical professional verifies that the member is fit for duty.

## Sick Leave Reporting

### 1014.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that provides continued compensation during times of personal or family illness. The specified number of hours are detailed in each employee's bargaining unit's Collective Bargaining Agreement. Sick time may only be used when an employee is unable to work, due to personal illness or a member of the employee's immediate family is ill and the employee must care for that individual, in accordance with the employee's Collective Bargaining Agreement, FMLA, or OFLA.

Sick leave is not considered vacation and abuse of sick leave may result in discipline.

### 1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

#### 1014.2.1 NOTIFICATION

Employees shall notify an On-duty Patrol Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work. Employees may also contact LOCOM if they are unable to contact a supervisor. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 10-days notice of the intent to take leave.

### 1014.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at regular intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

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Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

#### **1014.4 SUPERVISOR RESPONSIBILITY**

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

# Communicable Diseases

## 1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- To reduce exposures to bloodborne pathogens (BBP) and other potentially infectious body fluids.
- To assist Department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- To protect the privacy rights of all Department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

## 1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODY FLUIDS

All department personnel who may be involved in providing emergency medical care, or who come in contact with another person's blood or body fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines.

### 1016.2.1 EXPOSURE CONTROL OFFICER

Supervisors shall work directly with the affected employees to ensure that the proper exposure control procedures are followed.

### 1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

### 1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves (Keeping a box in the car recommended)
- Safety glasses or goggles.
- Rescue mask with a one-way valve.
- Hand sanitizer to apply to skin at emergency site.

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The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

#### **1016.2.4 IMMUNIZATIONS**

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered immunization, if a vaccine for the specific disease exposure is available and medically appropriate. Such preventive immunization shall be offered at no cost to the employee (ORS 433.407 and ORS 433.416).

#### **1016.2.5 WORK PRACTICES**

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

#### **1016.3 DISPOSAL AND DECONTAMINATION**

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

##### **1016.3.1 USE OF WASTE CONTAINERS**

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leak-proof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

##### **1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES**

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

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If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated nonintact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

#### 1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

#### 1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

#### 1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated nonintact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or

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police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

#### **1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT**

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

#### **1016.3.7 DECONTAMINATION OF CLOTHING**

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and have it cleaned by a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

#### **1016.3.8 DECONTAMINATION OF VEHICLES**

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

### **1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS**

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee(s).

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#### 1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

In order to provide appropriate and timely treatment should exposure occur, all employees should verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

#### 1016.4.2 SUPERVISOR REQUIREMENTS

The supervisor shall investigate every exposure that occurs as soon as reasonably practicable following the incident, while gathering the following information:

- (a) Name of the exposed employee.
- (b) Date and time of incident.
- (c) Location of incident.
- (d) Potentially infectious materials involved.
- (e) Source of material or person.
- (f) Current location of material or person.
- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) PPE in use at the time of the incident.
- (j) Actions taken post-event (clean-up, notifications).

The supervisor shall use the above information to prepare a written summary of the incident, its causes and recommendations for avoiding similar events. This report, in addition to any workers' compensation report or reports required by the City, the consulting physician and to the City's Human Resources Department.

#### 1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who received exposure or suspected exposure should be seen by a physician (or qualified health care provider) as soon as possible. The doctor (or qualified health care provider) should be informed of the source of suspected exposure by either the employee or the employees supervisor.

When an officer in the performance of his/her official duties sustains a substantial BBP exposure, the supervisor will seek to have the source person tested for HIV and Hepatitis B or C by causing the circuit court to be petitioned for an order compelling the testing. The petition must set forth the facts and circumstances of the contact and the reasons the officer and a medically trained person representing the officer, if available, believe the exposure was substantial and the testing would



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be appropriate. The officer should provide information sufficient to identify and locate, if possible, the alleged source (ORS 433.085(1)(2)).

If the testing is ordered by the court, the results shall be made available to those persons authorized under ORS 433.045(3) and to the officer, the physician designated by the officer to receive the results, the Oregon Health Authority (OHA), the subject person and any physician designated by the subject person to receive the results (ORS 433.085(4)).

The health care professional should provide the City's Human Resources Manager with a written opinion/evaluation of the exposed employee's situation. This opinion should only contain the following information:

- If an HBV is indicated for the employee.
- If the employee received an HBV.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.
- Whether communicable disease testing of the person who was the source of the exposure is warranted, and, if so, what diseases should be included in testing.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

#### 1016.4.4 COUNSELING

The Department will make counseling and consultation available to the exposed employee (and his/her family if necessary).

#### 1016.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential. The Human Resources Department shall ensure that all records and reports are kept in the strictest confidence.

The Human Resources Department shall be responsible for maintaining records containing the employee's HBV status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

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### *Communicable Diseases*

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#### **1016.5 POST-EXPOSURE CONFIRMATION PROCEDURES**

Members who have been exposed to or contract a disease as a result of a duty-related event shall be treated according to existing health benefits, insurance coverage, and collective bargaining provisions. (OAR 839-006-0200 and ORS 659A.112).

Members who test positive for HIV or HBV may continue working as long as they maintain acceptable performance and do not pose a safety and health threat to themselves, the public or other members of the Department.

- (a) The West Linn Police Department shall make all decisions concerning the member's work status solely on the medical opinions and advice of health care officials.
- (b) The West Linn Police Department may require a member to be examined by the department health care officials to determine if he/she is able to perform his/her duties without hazard to him/herself or others.
- (c) All members of the West Linn Police Department agency shall treat employees who have contracted a communicable disease fairly, courteously and with dignity.

## Smoking Policy

### **1018.1 PURPOSE AND SCOPE**

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in West Linn Police Department facilities or vehicles.

### **1018.2 POLICY**

Although the City does not base employment decisions on the fact that an applicant or employee may use tobacco products while off-duty, smoking and other use of tobacco products is not permitted when in public view while on-duty or in uniform.

### **1018.3 EMPLOYEE USE**

Employees who use tobacco products shall dispose of waste products appropriately, limiting exposure of such waste to other employees.

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# Personnel Complaint Procedure

## 1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for reporting, investigation and disposition of complaints regarding the conduct of members of this Department (i.e. employees and reserve officers).

This policy describes the safeguards that apply when a member is under investigation concerning a matter that may lead to disciplinary sanctions or dismissal, and when the member will be interviewed regarding the matter. This policy is also meant to ensure that any disciplinary action taken against a member occurs with just cause, to the extent required by an applicable collective bargaining agreement or ORS 236.350 to 236.370.

This policy does not apply when a supervisor questions a member in the normal course of an informal oral admonishment or when the supervisor has other routine or unplanned contact with a member. Nor does this policy apply to an investigation concerned solely with alleged criminal activities.

### 1020.1.1 CLASSIFYING PERSONNEL COMPLAINTS

A Personnel Complaint is conduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law. Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form. The responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

**Formal** - A matter in which the complaining party requests further investigation or when a department supervisor determines that further action is warranted. Such complaints shall be investigated by an appropriate supervisory employee assigned by a Captain or the Chief of Police.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of a Captain or the Chief of Police, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

## 1020.2 AVAILABILITY OF COMPLAINT FORMS AND ACCEPTANCE OF COMPLAINTS

### 1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobby and through the departmental website.

# West Linn Police Department

## West Linn PD Policy Manual

### *Personnel Complaint Procedure*

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#### 1020.2.2 SOURCE OF COMPLAINTS

- (a) A department employee who becomes aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action, should immediately document that complaint and submit it to his/her immediate supervisor.
- (c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

#### 1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although it is not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
- (b) A complaint need not be taken when the complainant is satisfied with the explanation, given by an uninvolved supervisor or the Shift Supervisor, of the department policy or the procedures governing the incident and agrees that no further action is required.
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable. Identifying information should be obtained and the person should be provided with a personnel complaint form.
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with the juvenile's parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

#### 1020.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the receiving supervisor should document the complaint based upon information received from the complainant. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. However, a refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. In all cases, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her original complaint.

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### *Personnel Complaint Procedure*

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#### **1020.3 SUPERVISOR RESPONSIBILITY**

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Supervisors shall also maintain the ability to engage an employee in the normal course of duty, counseling, instruction, informal verbal admonishment or other routine or unplanned contact.

In general, the initial responsibility for handling of a personnel complaint shall rest with the member's immediate supervisor, or another supervisory employee if the immediate supervisor is not available. The supervisor shall be responsible for the following:

- (a) Ensure that a personnel complaint form has been completed as fully as possible.
- (b) Obtain names, addresses and telephone numbers of additional witnesses, if possible.
- (c) Photographs should be taken of any injuries alleged by the complainant, as well as accessible areas of non-injury, in addition to ensuring that immediate medical attention has been provided.
- (d) Ensure that a Captain is notified of the complaint as soon as practicable, or the Chief of Police if a Captain is not available.
- (e) If the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to a Captain, or the Chief of Police if a Captain is not available.

#### **1020.3.1 INVESTIGATION OF DISCRIMINATION AND HARASSMENT COMPLAINTS**

When the nature of an alleged complaint relates to harassment or discrimination on the basis of sexual, racial, ethnic, or other legally protected status, the supervisory employee receiving notice of the complaint shall ensure that the Human Resources Department is promptly contacted for consultation regarding the handling and investigation of the complaint. The procedures stated in this policy need not be followed in these situations, except to the extent required by an applicable collective bargaining agreement or ORS 236.350 to 236.370.

#### **1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature or when the circumstances reasonably dictate an undue risk for the Department, the employee, other employees or the public, a supervisor may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

#### **1020.4.1 ADMINISTRATIVE LEAVE**

An member placed on administrative leave may be subject to the following guidelines:

- (a) The member may continue to receive regular pay and benefits, pending the imposition of any discipline, at the Department's discretion or as required by law or an applicable collective bargaining agreement.
- (b) An member may be required by a supervisor to relinquish any badge, department identification, assigned weapon(s) and any other department equipment.

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### *Personnel Complaint Procedure*

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- (c) An employee may be ordered to refrain from taking any action as a department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) An employee may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation. The employee may be required to remain available for contact at all times during such shift and report as ordered.

#### **1020.5 ALLEGATIONS OF CRIMINAL CONDUCT**

When an employee of this department is accused of potential criminal conduct, a separate supervisor or detective, or at the discretion of the Chief of Police an outside agency may be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police or a Captain may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall retain all of the rights and privileges afforded a civilian. The employee may not be administratively ordered to provide any information to a criminal detective.

#### **1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT**

Except as necessary to gain a general overview and sufficient facts of an incident to assess the necessity of an inquiry or in order to obtain pertinent public safety information, a public safety officer, as defined in ORS 236.350, shall not be required to answer questions until he/she has been told of the facts and the nature of the investigation in a manner that is reasonably sufficient to inform the officer of the circumstances surrounding the allegations. This requirement does not apply to preliminary questions directed at gaining a general overview of events in order to assess whether an inquiry is necessary and to effectively investigate and gather evidence. Pursuant to ORS 236.370, this section also does not apply to public safety officers who are supervisory employees or probationary employees.

The person assigned to investigate the allegations shall abide by the investigation safeguards and procedures in an applicable collective bargaining agreement, or as required by ORS 236.250 to 236.370.

##### **1020.6.1 ADMINISTRATIVE SEARCHES**

An employee of this department may be administratively ordered to submit to a blood, breath or urine test for alcohol and drugs as provided in Policy 1012 of this Manual, or an applicable collective bargaining agreement.

The results of tests compelled by the Department shall be restricted to the administrative investigation.

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A member may be compelled to disclose personal financial information pursuant to proper legal process, if such information tends to indicate a conflict of interest with official duties or if the member is assigned to, or being considered for, a special assignment with a potential for bribes.

Members shall have no expectation of privacy in or when using offices, desks, lockers, vehicles, telephones, computers, radios or other communications provided by the Department.

Assigned lockers, offices, desks, vehicles, storage spaces, or any departmental issued equipment are the property of the employer and may be administratively searched by a supervisor for work-related purposes (e.g. obtaining a needed report or radio).

All other non-assigned areas (shared desks, common office space, shared vehicles may be administratively searched by a supervisor for non-investigative purposes.

An investigative search of such areas shall only be conducted with the approval of a Captain or Chief of Police or authorized designee upon a reasonable suspicion that official misconduct is involved.

#### 1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigative findings of personnel complaints shall be detailed, complete and essentially follow this format:

**Introduction** - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

**Summary** - Provide a very brief summary of the facts giving rise to the investigation.

**Summary of allegations** - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation.

**Evidence as to each allegation** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 1020.6.3 STEPS PRIOR TO DISCIPLINARY ACTION

Disciplinary action may not be taken against any member without just cause, to the extent required in an applicable collective bargaining agreement, or by ORS 236.350 to 236.570. Additionally: (a) The investigation report shall be forwarded for review and assignment to an appropriate decision-maker as provided in Policy 340, Section 340.5.1; and (b) Before any disciplinary action greater than oral reprimand is taken, the decision-maker shall follow the procedure in Policy 340, Section 340.5.2.



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#### 1020.6.4 REOPENING AN INVESTIGATION

An investigation may be reopened prior to a final disciplinary decision, as provided in an applicable collective bargaining agreement or ORS 236.360(7).

#### 1020.6.5 INAPPLICABILITY OF CERTAIN SAFEGUARDS

All investigations of personnel complaints shall be considered confidential. The contents of such files shall not be revealed to anyone other than the involved member or authorized Department personnel, or as required by law (e.g. Oregon Public Records Law, lawful subpoena, etc.).

In the event that an accused member, or bargaining representative of the member, makes a false representation regarding an internal investigation, and such false representations are communicated to any media source, the Department may disclose sufficient information to refute such false representations.

Disciplinary action resulting from sustained complaints shall be maintained by the City's Human Resources Department. Complaints and any investigative reports shall be maintained by The City of West Linn Human Resources Department, apart from the member's personnel file.

#### 1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

**Policy issue** - When everything in the complaint is determined to be accurate, including the officer's actions, but the issue appears to require a modification of policy the finding for the officer should be exonerated. The need for potential policy modification shall be immediately directed to the Chief of Police for action.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1020.8 COMPLETION OF INVESTIGATIONS

Upon completion of an investigation, the report should be forwarded through the chain of command to the Chief of Police.

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## *Personnel Complaint Procedure*

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Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Any complaining party who is not satisfied with the findings of the Department may contact the Chief of Police or his designee, to discuss the matter further.

# Seat Belt Procedure

## 1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to assure maximum operator and passenger safety, thus minimizing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles.

## 1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

### 1022.2.1 TRANSPORTING CHILDREN

A properly installed, approved child restraint system should be used for all children of an age, height or weight for which such restraints are required by law (ORS 811.210).

Children under the age of 13 should be transported in the rear seat. In the event that the appropriate restraints are unavailable, officers should arrange for alternate transportation.

## 1022.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. In unusual circumstances where it is unsafe or impractical to do so, prisoners may be transported without the use of seat belts (ORS 811.215 (6)). The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

## 1022.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

## Body Armor

### 1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1024.2 POLICY

It is the policy of the West Linn Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1024.3 ISSUANCE OF BODY ARMOR

The Administrative Division Commander shall ensure that body armor is issued to all officers when the officer begins service at the West Linn Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Division Commander shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

#### 1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body

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### *Body Armor*

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armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

#### 1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

# GUARDIAN TRACKING

## 1025.1 PURPOSE AND SCOPE

The Guardian Tracking software program is used by the West Linn Police Department as an electronic document retention system to replace and combine the employee working file and training file. The Guardian Tracking program will track and record entries into an employee's file under 7 categories: Recognition, General, Attendance, Administrative, Use of Force, Complaints, and Corrective Action. This policy does not apply to documents normally retained in an employee's personnel file, as maintained by Human Resources. The policy is subject to the conditions of the respective collective bargaining agreement as related to performance evaluations, counseling, discipline and document retention.

## 1025.2 GUARDIAN TRACKING ENTRIES

### 1025.2.1 POSITIVE CONDUCT ENTRIES

Any supervisor may enter a positive conduct comment into a subordinate employee's Guardian Tracking file. When an external positive citizen comment or commendation about a police department employee is received by the department, the comment will be directly forwarded to a supervisor for immediate entry into Guardian Tracking. For the purposes of this policy a supervisor is defined as any higher-ranking officer who is not within the collective bargaining unit.

If an employee below the supervisor level wishes to submit a positive comment into another employee's Guardian Tracking file, the employee may do so directly.

### 1025.2.2 NEGATIVE CONDUCT ENTRIES

No employee may directly enter a negative comment into another employee's Guardian Tracking file, unless the initial employee is a supervisor as defined above. For the purposes of this policy a negative comment has the same definition as "counseling" per Article 9 of the collective bargaining agreement. Only a Sergeant or above may enter a negative comment into an Officer's or Detective's Guardian Tracking file. Only a Captain or above may enter a negative comment into a Sergeant's Guardian Tracking file. Only the Chief of Police may enter a negative comment into a Captain's Guardian Tracking file.

Before a supervisor may enter a negative conduct comment into a subordinate employee's Guardian Tracking file, the supervisor shall have a verbal conversation with the employee regarding the negative conduct. The Guardian Tracking entry should describe the negative conduct, summarize the conversation that occurred between the employee and supervisor, document the employee was informed of the Guardian Tracking entry, and include clear expectations of conduct in the future. The employee shall have the opportunity to rebut the negative comment by providing a written rebuttal to the supervisor who shall digitally attach the rebuttal to the original entry as an update. For matters involving a bargaining unit employee, this policy will adhere to the terms of Article 9 as related to providing counseling.

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### *GUARDIAN TRACKING*

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#### **1025.2.3 TRAINING ENTRIES**

All training performed by employees will be entered into Guardian Tracking. For all training conducted by the WLPD, the training coordinator will be responsible for making the entries. For any training conducted by an outside agency/vendor/provider the employee will be responsible for providing the documentation or certificate of completion to a supervisor who will then make the entry. Training entries can include attendance rosters, training request forms, certificates of completion, as well as other documents or forms related to the training.

#### **1025.2.4 RECOGNITION AND WARNING FLAGS**

All positive conduct Guardian Tracking categories, are programed with recognition flags. These flags will be automatically sent to all of the employee's supervisors when a specific number of entries into the same positive conduct category is reached in a specific timeframe. These recognition flags serve as an opportunity for the department to acknowledge and recognize superior work among department employees.

All negative conduct Guardian Tracking categories, plus the categories of Accident, Use of Force, and Work Related Injury, are programed with early intervention warnings. These warnings will be automatically sent to all of the employee's supervisors if a specific number of entries into the same negative or aforementioned conduct category is reached in a specific timeframe. These early intervention warnings are not disciplinary in nature, but merely serve as an opportunity for a employee to receive additional training, or guidance or some other intervention technique. For the purposes of this policy, the term "accident" shall mean any damage outside of normal wear and tear on a vehicle that is required to be fixed and has monetary consequences. Example: A flat tire due to the officer running over a nail is not an accident. A flat tire due to an officer striking a curb is an accident. Accidents determined to be not the fault of the police employee will not be entered into Guardian Tracking. Example: A vehicle hits a police vehicle while running a red light would not be entered into Guardian Tracking.

#### **1025.3 EMPLOYEE REBUTTAL PROCEDURE**

Any employee has the right to submit a written response or rebuttal to a negative conduct Guardian Tracking entry, consistent with the terms of the collective bargaining agreement for bargaining unit employees. If an employee wishes to do so, they shall submit their written rebuttal to a supervisor who will digitally attach it to the Guardian Tracking entry as an update.

#### **1025.4 ENTRY RETENTION PERIODS AND PURGING**

Guardian Tracking entry retention and purge parameters are individually set and managed based on the entry category, and will be set consistent with the applicable collective bargaining agreement for those employees within the bargaining unit.

All negative entries will be automatically purged after 365 days which allows the annual employee evaluation to occur with all required information. All supervisors shall ensure any negative entries included into an employee evaluation were not previously addressed in the prior year's employee evaluation.

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### *GUARDIAN TRACKING*

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The categories of Annual Evaluation, Award Nomination, High Impact Event, Letter of Commendation, Off Duty Employment, External/Citizen Recognition, Internal Recognition, Training and Use of Force-Deadly Force currently have no automatic purge date. These category entries are currently set to remain in the Guardian Tracking system indefinitely.

Matters of formal discipline stored in this system will be removed subject to the timelines consistent with the respective collective bargaining agreement for represented employees.

In the event of a public records request, the City will adhere to the rules as provided by Oregon Public Records laws.

#### **1025.5 PROGRAM ACCESS**

Negative entries into an employee's Guardian Tracking file can be made by a supervisor in their work category (i.e. police, records, property and evidence). Positive entries into an employee's Guardian Tracking file can be made by all police department employees. Entries made into an employee's Guardian Tracking account are visible within the police department by the following personnel: The employee, all supervisors in their work category (i.e., police, records, property and evidence), Captains, The Chief of Police and the Executive Assistant to the Chief of Police.

##### **1025.5.1 PROCEDURE FOR ENTRY CORRECTION AND PROGRAM AUDITING**

Guardian Tracking entries in need of correction should be corrected or amended through an update to the original entry. Entries of any type that are identified as errors or premature entries can be deleted from the system. The Chief of Police will authorize the System Administrator (City IT Director) to remove erroneous entries by submitting a request to the IT Help Desk. All deleted entries by the System Administrator will be tracked by both the Guardian Tracking program and the IT Help Desk. Record of any deletion and the reason why the entry was deleted will appear as part of the semi-annual audit report by Informational Technology.

The Guardian Tracking program shall be audited twice yearly, in April and October, to ensure entries are being purged as per the established time limits. Any entries found to still exist within the program after the described purge time limits will be immediately deleted from the system. This audit will be performed by a Captain or another designee of the Chief of Police.

#### **1025.6 SHARING OF EMPLOYEE FILE INFORMATION**

An employee's Guardian Tracking file will not be shared with any person outside of the employee's direct line of supervision, unless the employee has signed a written permission notice allowing the department to share that information with another police agency, subject to applicable law.

#### **1025.7 USE OF GUARDIAN TRACKING MATERIALS FOR DISCIPLINE, TRANSFER, & PROMOTION**

The information contained in the electronic Guardian Tracking file is no different than the prior practice of using a paper supervisory file. Information contained in this tracking system is for the purpose of monitoring employee performance and can be used for non-disciplinary notice purposes, development of work performance plans and letters of expectation as well as to



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support discipline, transfer or promotion decisions, subject to the terms of the respective collective bargaining agreement for represented employees.

## Personnel Files

### 1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of personnel records pursuant to Oregon Revised Statutes 192.502.

### 1026.2 PERSONNEL FILES DEFINED

Personnel files shall include any file maintained under an individual officer's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history, including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**Personnel File** - Maintained by the West Linn Human Resources Department

**Working File** - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

**Training File** - Any file which documents the training records of an employee.

**Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history. This file is maintained by the Human Resources Department.

### 1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Certain information contained in personnel records is confidential and shall not be subject to disclosure except as provided by Policy Manual § 810, the provisions of the Oregon Public Records Law, or pursuant to lawful process (Oregon Revised Statutes 181.854).

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#### **1026.5 REQUESTS FOR DISCLOSURE**

No requests for the disclosure of any information contained in any personnel record shall be considered received unless it is in written form. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Shift Supervisor, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Oregon Revised Statutes 181.854).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner and consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

##### **1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION**

Except as provided by Policy Manual 810 or pursuant to lawful process, no information contained in any peace officer personnel file shall be disclosed to any unauthorized employee or other person(s) without the expressed prior written consent of the involved officer (Oregon Revised Statutes 181.854(4)).

If an investigation of a public safety employee of this department results from a complaint, the Department may disclose to the complainant the disposition of the complaint and if necessary provide a written summary of the information obtained in the investigation (Oregon Revised Statutes 181.854(5)).

#### **1026.6 EMPLOYEE ACCESS TO OWN FILE**

An employee or former employee may request to review his/her personnel file. The request should be made to the City of West Linn Human Resources Department. Human Resources Department should ensure that the employee is provided a reasonable opportunity to review their personnel file or, if requested, receive a certified copy of the records per ORS 652.750.

If an employee believes that any portion of the material is mistakenly or unlawfully placed in the employee's personnel record, the employee may submit a written request to the Director of Human Resources that the mistaken or unlawful material be corrected or deleted. The request must describe the corrections or deletions requested and the reasons supporting the request and provide any documentation that supports the request. The Director of Human Resources must respond within 30 days from the date the request is received. If the Director of Human Resources chooses not to make any changes, the Director of Human Resources shall ensure that a written response to the request is made. The Director of Human Resources shall ensure that the request and response is placed in the employee's personnel record (ORS 652.750 (7)).

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### *Personnel Files*

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#### **1026.7 TYPES OF PERSONNEL FILES**

Types of personnel files and information contain in each.

##### **1026.7.1 DEPARTMENT FILE**

The Personnel file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained.
- (b) Documents related to disciplinary action:
  - 1. Disciplinary action resulting from sustained complaints or observation of misconduct shall be maintained in the individual employee's Department file at least three years. If the disciplinary action results in an employee's termination from this agency, the record of that action will be maintained for ten years after the separation in accordance with 166-200-0090(6) and OAR 166-150-0160(6).
  - 2. Investigative files relating to complaints or discipline shall not be placed in the employee's Personnel file, but will be separately maintained.
- (c) All documents related to employee performance, once the employee has had the opportunity to read and initial the document.
  - 1. No employee may place an adverse comment in the personnel records of an employee unless the employee has first read and signed the document containing the adverse comment. If an employee refuses to sign a document containing an adverse comment, the employer may place the document in the employee's personnel records with a notation that the document was presented to the employee and the employee refused to sign it ORS 652.750 (6).
  - 2. An employee may write a response within 30 days of being presented with a document containing an adverse comment. If an employee writes a response to a document containing an adverse comment, the Administrative Services Supervisor must ensure that the response is attached to the original document and placed in the employee's personnel records (ORS 652.750 (6)).
- (d) Employee Personnel Records not related to discipline shall be retained for six years after separation (Oregon Administrative Rules 166-150-0160(7)).
- (e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s).
- (f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- (g) A photograph of the employee.

##### **1026.7.2 DIVISION FILE**

The Working File should contain, but is not limited to, the following:

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### *Personnel Files*

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- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
  - 1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file
  - 2. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged and forwarded to the Human Resources Department for disposition in accordance with this policy
- (b) Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation

All rules of confidentiality and disclosure shall apply equally to the working file.

#### 1026.7.3 INTERNAL AFFAIRS FILE

Officer Complaint investigations file shall be maintained under the exclusive control of the Administrative Division Commander in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Administrative Division Commander. These files shall contain the complete investigation of all formal complaints of employee misconduct regardless of disposition. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002) with an alphabetically arranged index card cross-referenced for each involved employee.

#### 1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Department Training Coordinator for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the training officer or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The training coordinator shall ensure that copies of such training records are placed in the employee's training file.

#### 1026.7.5 MEDICAL FILE

The Medical file for each employee is kept by the Human Resources Director and shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

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- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological or physical limitations.

#### **1026.8 PURGING OF FILES**

Generally, personnel files must be maintained by the Department according to corresponding state Archives Division law. Investigations resulting in disciplinary action or exoneration must be retained for two years (counties) or for three years (cities) after resolution (OAR 166-150-0135; OAR 166-200-0090; OAR 166-200-0100).

Unfounded investigation records and all related files not resulting in disciplinary action and having no pending litigation or other ongoing legal proceedings may be purged after being held for one year (counties) or three years (cities) (OAR 166-150-0135; OAR 166-200-0090; OAR 166-200-0100).

If the investigation resulted in termination, all related files must be retained for 10 years after separation (OAR 166-200-0090; OAR 166-200-0100; OAR 166-150-0135).

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the required retention period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable required retention period, approval for such retention shall be obtained through the chain of command from the Chief of Police.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the required retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

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## Commendations and Awards

### 1030.1 PURPOSE AND SCOPE

The awards program exists to recognize outstanding performance, extraordinary achievement, or a heroic act of a member of the Police Department or any citizen in the community. This procedure provides general guidelines for the commending of exceptional performance.

### 1030.2 POLICY

It is the policy of the West Linn Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

### 1030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee
- Any act of, or attempt to save the life of another

#### 1030.3.1 DOCUMENTATION OF COMMENDATION

A supervisor shall document the commendation of the employee by memorandum and shall contain the following:

- (a) Employee name, division, and assignment at the date and time of the commendation
- (b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate
- (c) Signature of the commending supervisor

Completed reports shall be forwarded to the appropriate Division Commander for his/her review. The Division Commander shall sign and forward the report to the Chief of Police for his/her review.

### 1030.4 CATEGORIES OF AWARDS.

The following awards may be presented by the Department:

- (a) Medal of Honor;
- (b) Medal of Valor;
- (c) Purple Heart;
- (d) Meritorious Service Medal;
- (e) Distinguished Service Medal;

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- (f) Life Saving Medal
- (g) Chief's Medal of Merit; and
- (h) Public Service Award.
- (i) Service Ribbons or Service Pins are issued in the following categories:
  - 1. Longevity
  - 2. Field Training Officer
  - 3. Motor Officer
  - 4. Canine Officer
  - 5. Honorably served in the Military

#### 1030.4.1 AWARDS CRITERIA

- (a) **Medal of Honor** - The Medal of Honor may be awarded to a member acting in an official capacity who conspicuously distinguishes himself/herself by the performance of a heroic act which is above the normal demands of police service and where the member was fully aware of an imminent threat to his/her personal safety.
  - 1. Some of the factors that should be considered during the award process are:
    - (a) The situation was extremely hazardous;
    - (b) A strong possibility existed at the time the member acted that he/she could have suffered injury or death.
    - (c) The act was not foolhardy; and
    - (d) The member did not use poor judgment, thus creating the necessity for the act.
  - 2. Situations where the Medal of Honor may be appropriate include criminal law violations, life-saving incidents, and incidents involving weapons. A member does not have to be injured in the incident to be considered for a Medal of Honor.
  - 3. The Medal of Honor shall be a medal that is gold in color. The recipient will also receive a gold ribbon with red, white, and blue striped borders with an attached letter of "H." This Service Ribbon will be affixed to the uniform shirt immediately above the name tag and centered with respect to the name tag to represent the medal. If the member wishes to wear the Medal of Honor, it shall be worn on the dress uniform above the name tag and centered with respect to the name tag, and the Service Ribbon will not be worn.
  - 4. At the time the award is made, an official certificate will also be given. The certificate will contain a brief narrative of the incident and will be signed by the Chief of Police and the Mayor of the City.



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- (b) **Medal of Valor** - The Medal of Valor may be awarded to a member acting in an official capacity who distinguishes himself/herself by reacting to a situation in a positive and professional manner to reduce the risk of loss of life or injury to citizens.
  - (a) Some of the factors that should be considered during the award process are:
    - (a) The situation demanded immediate action;
    - (b) The possibility of injury or death to citizens was present;
    - (c) The act was not foolhardy; and
    - (d) The member did not use poor judgment, thus creating the necessity for his/her acts.
  - (b) Situations where the Medal of Valor may be appropriate include criminal law violations, life-saving incidents, or situations where the member just did the job that had to be done, but did it in an extremely professional manner. A member does not have to be injured in the incident to be considered eligible for a Medal of Valor.
  - (c) The Medal of Valor shall be a medal that is silver in color. The recipient will also receive a blue, red, and white ribbon with an attached letter of "V." This Service Ribbon will be affixed to the uniform shirt immediately above the name tag and centered with respect to the name tag to represent the medal. If the member wishes to wear the Medal of Valor, it shall be worn on the dress uniform above the name tag and centered with respect to the name tag, and the Service Ribbon will not be worn.
  - (d) At the time the award is made, an official certificate will also be given. The certificate will contain a brief narrative of the incident and will be signed by the Chief of Police and the Mayor of the City.
- (c) **Purple Heart** - The Purple Heart may be awarded to a member who is injured in the line of duty. The injury sustained by the member should not have been caused by carelessness on the part of the member.
  - 1. The Purple Heart shall be a medal that is silver in color. The recipient will also receive a purple ribbon. This Service Ribbon will be affixed to the uniform shirt immediately above the name tag and centered with respect to the name tag to represent the medal. If the member wishes to wear the Purple Heart, it shall be worn on the dress uniform above the name tag and centered with respect to the name tag, and the Service Ribbons will not be worn.
  - 2. At the time that the award is made, an official certificate will also be given. The certificate will contain a brief narrative of the incident and will be signed by the Chief of Police and the Mayor of the City.

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- (d) **Meritorious Service Award**- The Meritorious Service Award may be awarded to a member who, through a single action, brings credit to himself/herself, the Department, and law enforcement. Awarded for some difficult task in which crime is prevented, life and property protected, or criminals apprehended. It can also be awarded for assistance in an auxiliary capacity due to technical knowledge, expertise and/or unusual effort put forth.
1. The Meritorious Service Award shall be a medal that is bronze in color. The recipient will also receive a green and red ribbon, with a green letter "M". This Service Ribbon will be affixed to the uniform shirt immediately above the name tag and centered with respect to the name tag to represent the medal. If the member wishes to wear the Meritorious Service Award Medal, it shall be worn on the dress uniform above the name tag and centered with respect to the name tag, and the Service Ribbon will not be worn.
  2. At the time that the award is made, an official certificate will also be given. The certificate will contain a brief narrative of the incident and will be signed by the Chief of Police and the Mayor of the City.
- (e) **Distinguished Service Medal** - The Distinguished Service Medal may be awarded to a member who, through their body of work, brings credit to himself/herself, the Department, and law enforcement. The award may be awarded to those members who consistently perform their job in an outstanding manner that has had a lasting effect on law enforcement, or the member's service, in the last five years, has been exemplary in the following areas:
1. No excessive sick time off;
  2. No disciplinary action;
  3. No unsatisfactory performance evaluations; or
  4. Conduct or demeanor exemplifies the professional image of the Department.
  5. The Distinguished Service Medal shall be a medal that is bronze in color. The recipient will also receive a green and gold ribbon. This Service Ribbon will be affixed to the uniform shirt immediately above the name tag and centered with respect to the name tag to represent the medal. If the member wishes to wear the Distinguished Service Medal, it shall be worn on the dress uniform above the name tag and centered with respect to the name tag, and the Service Ribbon will not be worn.
- (f) **Life Saving Medal** - The Life Saving Award will be awarded Issued to a law enforcement officer, or citizen who personally attempts to save a life. The lifesaving effort will normally involve, but is not limited to, any of the learned life-supporting processes: Mouth-to-mouth resuscitation, CPR, the Heimlich maneuver for choking victims, or other first aid techniques. The award is for the life saving effort, not

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necessarily the result. The Lifesaving Award may be awarded to individuals who perform an active and distinct attempt of lifesaving of another human being, and:

1. The recipient was aware of the seriousness of the situation.
  2. The act was purposefully done.
  3. Events leading to the act were not carelessly caused by the recipient, thereby necessitating the act.
  4. There must have been a strong possibility the person would have died if the action had not been taken.
  5. At the time that the award is made, an official certificate will also be given. The certificate will contain a brief narrative of the incident and will be signed by the Chief of Police and the Mayor of the City.
- (g) **Chief's Medal of Merit** - The Chief's Medal of Merit will be awarded at the sole discretion of the Chief of Police on those occasions he/she deems appropriate. This award will not be reviewed by the Awards Committee.
1. The Chief's Medal of Merit shall be a medal that is bronze in color. The recipient will also receive a red, white, and blue ribbon with a red star. This Service Ribbon will be affixed to the uniform shirt immediately above the name tag and centered with respect to the name tag to represent the medal. If the member wishes to wear the Chief's Medal of Merit, it shall be worn on the dress uniform above the name tag and centered with respect to the name tag, and the Service Ribbon will not be worn.
  2. At the time that the award is made, an official certificate will also be given. The certificate will contain a brief narrative of the incident and will be signed by the Chief of Police and the Mayor of the City.
- (h) **Public Service Award** - The Public Service Award may be given to a citizen who distinguishes himself/herself by highly commendable or unusual acts. Some of the factors that should be considered during the award process are that the citizen used proper judgment and discretion and did not precipitate the necessity for the act, the act was not foolhardy, or the citizen made a significant and lasting contribution to the law enforcement profession.
1. Only acts or incidents that significantly rise above the expected norm for community service will be considered for this award.
  2. The Public Service Award shall be in the form of an official document signed by a member of the Awards Committee and the Mayor of the City.
- (i) **Service Insignia** - It will be the responsibility of the shift supervisor to insure that those members assigned to him/her have received those service insignia for which they are qualified. Once it has been verified that all qualifications have been met, the

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supervisor will request, in writing, that the appropriate service insignia be issued by the Captain or his/her designee.

1. **Longevity** - The longevity stripes will be awarded to those members who have completed five years B.P.S.S.T. recognized service in a law enforcement field. For each additional five years of service, the members will attach another longevity stripe. The longevity stripe will be blue in color.
  - (a) Longevity stripes shall be worn on the left shirt sleeve with the first stripe placed two inches above the cuff toward the elbow. The stripes will be aligned along the top of the forearm.
2. **Field Training Officer** - The Field Training Officer insignia will be awarded to those members who have supervised the F.T.O. program, or have trained two or more recruits who have successfully completed the field training and probationary period. The Field Training Officer Insignia will be a pin or insignia provided by the Department.
3. **Motor Officer** - The Motor Officer insignia will be awarded to any member who has successfully completed a certified motor operator course and complete one year of motor officer duties. The Motor Officer insignia will be a pin or insignia provided by the Department.
4. **Canine Officer** - The Canine Officer insignia will be awarded to any member who has successfully completed and graduated from the K-9 training program and has completed a one-year assignment as a dog handler. The Canine Officer insignia will be a pin or other insignia provided by the Department.
5. **Drug Recognition Expert** - The Drug Recognition Expert insignia will be awarded to any member who has successfully completed and graduated from Drug Recognition training. The Drug Recognition Expert insignia, awarded by the International Association of Chief's of Police, will be provided by the Department.
6. The proper wearing of service insignia will depend on the type of insignia worn. Service insignia, with the exception of longevity stripes, will be worn above the name tag, and centered with respect to the name tag, along with any other Department ribbons awarded to the member. The name plate shall be worn on the pocket flap and centered with respect to the pocket.

#### **1030.5 CRITERIA**

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

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#### 1030.5.1 [DEPARTMENT/OFFICE] MEMBER DOCUMENTATION

Members of the [Department/Office] should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
  - 1. For members of the [Department/Office] - name, division and assignment at the date and time of the meritorious or commendable act
  - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

#### 1030.5.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. [Department/Office] members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
  - 1. For members of the [Department/Office] - name, division and assignment at the date and time of the meritorious or commendable act
  - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

#### 1030.5.3 [DEPARTMENT/OFFICE] MEMBER DOCUMENTATION

Members of the [Department/Office] should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
  - 1. For members of the [Department/Office] - name, division and assignment at the date and time of the meritorious or commendable act
  - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

#### 1030.5.4 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the [Department/Office] should be forwarded to the appropriate Division Commander for his/her review.

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The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the [department/office] member for his/her signature. The documentation will then be returned to the Administrative Services/ Investigations secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administrative Services/ Investigations Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

#### 1030.5.5 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. [Department/Office] members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
  - 1. For members of the [Department/Office] - name, division and assignment at the date and time of the meritorious or commendable act
  - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

#### 1030.5.6 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the [Department/Office] should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the [department/office] member for his/her signature. The documentation will then be returned to the Administrative Services/ Investigations secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administrative Services/ Investigations Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

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### **1030.6 CRITERIA**

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

### **1030.7 AWARDS**

Awards may be bestowed upon members of the [Department/Office] and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

### **1030.8 AWARDS**

Awards may be bestowed upon members of the [Department/Office] and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

## Fitness for Duty

### 1032.1 PURPOSE AND SCOPE

The safety and well-being of employees and the citizens we serve, requires that all officers be free from any physical, emotional or mental condition which might adversely affect the exercise of assigned duties, including peace officer powers. The purpose of this policy is to ensure that all members of this [department/office] remain fit for duty and able to perform their established job functions.

### 1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this [department/office] to maintain good physical condition sufficient to safely and properly perform the duties of their job function.
- (b) Each member of this [department/office] shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.
- (e) A certificate from a doctor or health care professional verifying that the employee is able to perform his/her essential duties in a manner that does not threaten his/her safety or the safety of others may be required, whenever the City has a good faith concern regarding an employee's ability to do so. The City also reserves the right to require employees to submit verification of the precise nature of any limitations of an employee's ability to safely perform his/her job duties, as a condition of returning the employee to work, whenever there are good faith concerns regarding an employee's limitations, consistent with applicable law.
- (f) All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the City.

### 1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to perform his/her duties shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor shall attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation shall be made in an effort to determine the level of inability of the employee to perform his/her duties.



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- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts shall be made to provide such care.
- (d) In conjunction with the Shift Supervisor or employee's available Division Commander, a determination shall be made whether or not the employee should be temporarily relieved from their duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

### **1032.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

### **1032.5 WORK RELATED CONDITIONS**

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Supervisor or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave pending:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate,
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### **1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the [Department/Office] with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties.
- (c) In order to facilitate the examination of any employee, the [Department/Office] will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

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- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

### **1032.7 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 32 hours in any 2 day (48 hour) period or
- 96 hours in any 7 day (168 hour) period

Except in very limited circumstances members shall have a minimum of 8 hours off between shifts. Supervisors shall give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

### **1032.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

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## Meal Periods and Breaks

### 1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

#### 1034.1.1 MEAL PERIODS

Sworn employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol officers shall notify LOCOM prior to taking a meal period. Uniformed officers shall take their breaks within close proximity to City limits unless on assignment outside of the City or approved by a supervisor.

The time spent for the meal periods shall not exceed the authorized time allowed.

#### 1034.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Uniformed officers while on breaks are subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only after notifying LOCOM.

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## Payroll Record Procedures

### **1036.1 PURPOSE AND SCOPE**

Payroll records are submitted to the Records Supervisor on a bi-weekly basis for the payment of wages.

#### **1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS**

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

#### **1036.1.2 TIME REQUIREMENTS**

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Daily Time Reports shall be completed and submitted to Records Supervisor no later than 8:00 a.m. on the Monday morning after the end of the pay period, unless specified otherwise.

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## Overtime Payment Requests

### 1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement (CBA), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

#### 1038.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time for the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is wor

### 1038.2 REQUEST FOR OVERTIME PAYMENT FORMS

Employees shall submit all overtime payment request forms for verification by their immediate supervisor and Division Commander as soon as practical. Overtime forms are then submitted to the Records Unit Supervisor . Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation for that pay period.

#### 1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately, when practical, after working the overtime and turn them in to their immediate supervisor.

#### 1038.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's Daily Time Report, the overtime payment request form is forwarded through the employee's immediate supervisor to the appropriate Division Commander for final approval.

#### 1038.2.3 DIVISION COMMANDERS RESPONSIBILITY

Division Commanders, after approving payment, will then forward the form to the Records Supervisor.

# Outside Employment

## 1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

### 1040.1.1 DEFINITIONS

**Outside Employment** - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

## 1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an memorandum which shall be submitted to the employee's immediate supervisor. The memorandum shall describe the nature of the outside employment and expected time frame. The memorandum will then be forwarded through channels to the Chief of Police for consideration. Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

### 1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment request is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance if applicable, pursuant to the procedure set forth in the current Collective Bargaining Agreement (CBA) or City's Personnel Policy's.

### 1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment(s). That revocation will stand until the employee's

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performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment .

- (b) Suspension or revocation of a previously approved outside employment may be included as a term or condition of sustained discipline.
- (c) If, at any time during an employee's conduct or outside employment conflicts with the provisions of department policy, the outside employment may be suspended or revoked.
- (d) When an employee is unable to perform at regular duty capacity due to an injury or other condition, any previously approved outside employment may be subject to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has returned to regular duty status.

#### **1040.3 PROHIBITED OUTSIDE EMPLOYMENT**

The Department expressly reserves the right to deny any Outside Employment request submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

##### **1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT**

No member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position. No officer may engage in outside employment as a law enforcement officer for any other public agency without prior written authorization of the Chief of Police.

#### **1040.4 DEPARTMENT RESOURCES**

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

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#### 1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest.

#### 1040.5 MATERIAL CHANGES TO OUTSIDE EMPLOYMENT

Employees shall promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material should report the change.

#### 1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work, a notice of revocation of the member's request for outside employment will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the West Linn Police Department, a request (in writing) may be made to the Chief of Police to restore the request for outside employment by the employee.



## On Duty Injuries

### 1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting the occurrence of on-duty injuries, occupational illnesses, or deaths to City Human Resources Division, to ensure proper medical attention is received, and to ensure documentation of the circumstances of the incident.

### 1042.2 WORKER'S COMPENSATION FUND REPORTS

#### 1042.2.1 REPORTING OF INJURIES

All injuries and exposures to hazardous materials must be reported to a supervisor as soon as possible, but no later than 24 hours from the time the employee becomes aware of the injury, not including days off.

If an injury or exposure does not require treatment by a doctor or medical facility, and does not result in time loss, it shall be recorded on the "Supervisor's Report of Injury Form" at the earliest opportunity.

Injuries requiring medical treatment or resulting in time off, shall be reported to a supervisor as soon as the employee becomes aware of the injury. Supervisors will ensure a state "Report of Job Injury or Illness" form 801 is completed and signed by the employee.

Injuries requiring overnight or longer hospitalization must be reported to the Oregon Occupational Safety and Health Administration (OR-OSHA) within 24 hours by calling 1-800-922-2689. Fatalities must be reported within eight hours (Oregon Administrative Rules 437-001-0700(21)).

The Administrative Services/ Investigations Division Commander shall report the claim to the City's insurer no later than five days after notice or knowledge of any claim or accident which may result in a compensable injury (Oregon Administrative Rules 436-060-0010(3)).

#### 1042.2.2 ACCIDENT DEFINED

**Accident** - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

#### 1042.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

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Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related injury or illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

#### 1042.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Sergeant's office.

For work-related accidents, illness or injuries not requiring professional medical care, a Supervisor's Report of Injury form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor's Division Commander, through the chain of command.

When an accident, illness or injury is reported initially on the "Supervisor's Report of Injury" form and the employee subsequently requires professional medical care, the State of Oregon report of job injury or illness form 801 shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with a "report of job illness or injury" form 801, immediately upon request of the worker (OAR 436-060-0010 (1)).

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

#### 1042.2.5 DIVISION COMMANDER RESPONSIBILITY

The Division Commander receiving a report of a work-related accident or injury or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

#### 1042.2.6 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police or his designee shall review and forward copies of the report to the Human Resources Department. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual 1026).

### *On Duty Injuries*

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#### **1042.3 INJURY OR ILLNESS NOT REQUIRING MEDICAL ATTENTION**

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

#### **1042.4 SETTLEMENT OF INJURY CLAIMS**

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed:

##### **1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS**

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to the Human Resources Department through his/her supervisor as soon as possible.

##### **1042.4.2 NO SETTLEMENT WITHOUT PRIOR NOTICE**

No less than 10 days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Human Resources Department with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Human Resources Department. The purpose of such notice to permit the City to determine whether or not the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

## Personal Appearance Standards

### 1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees of this department shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

### 1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

#### 1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

#### 1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

#### 1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

#### 1044.2.4 FACIAL HAIR

Facial hair including sideburns, mustaches, beards and goatees may be worn by members of this department.

In order to avoid an unprofessional, scruffy look, department members who wish to grow facial hair should do so while on vacation or leave for 10 days, the 10 day rule may be waived by the Division Commander.

#### 1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

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### **1044.2.6 JEWELRY AND ACCESSORIES**

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

### **1044.3 TATTOOS**

While on duty or representing the Department in any official capacity, every reasonable effort should be made to conceal offensive tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).

### **1044.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

# Uniform Regulations

## 1046.1 PURPOSE AND SCOPE

The uniform policy of the West Linn Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 1024 - Body Armor

Section 1044 - Grooming Standards

The Uniform and Equipment Specifications is set by, and periodically updated by the Chief of Police or his/her designee.

The West Linn Police Department will provide uniforms for all employees required to wear them.

## 1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of the uniform except when the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.
- (f) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (g) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (h) Mirrored sunglasses will not be worn with any Department uniform
- (i) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his designee.

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- (a) 1. Wrist watch
- 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
- 3. Medical alert bracelet

#### 1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

#### 1046.3 UNIFORM CLASSES

##### 1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie
- (b) Polished black shoes

Boots with pointed toes are not permitted.

##### 1046.3.2 REGULAR DUTY UNIFORM

All officers will possess and maintain a serviceable regular duty uniform at all times.

The regular duty uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required
- (b) A black crew neck t-shirt, or black mock turtle neck shirt must be worn with the uniform
- (c) All shirt buttons must remain buttoned except for the last button at the neck
- (d) Shoes for the regular duty uniform may be as described in the Class A uniform
- (e) Approved all black unpolished shoes may be worn
- (f) Boots with pointed toes are not permitted

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#### 1046.3.3 SPECIAL DUTY UNIFORM

A special duty uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing of any special duty uniform and the specifications for such uniform.

#### 1046.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

#### 1046.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

#### 1046.3.6 RESERVE OFFICER UNIFORM

The reserve officer's uniform will be the same as for the regular officer with the exception of the badge. All uniform policies, regulations and specifications apply equally to reserve officers.

### 1046.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (e) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (f) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

#### 1046.4.1 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:



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- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

#### **1046.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style. Jeans may be worn in conjunction with other proper attire as long as they are free from holes, stains, and are not excessively faded
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone
  - 2. Open toed sandals (records workers exempt from this sub-section)
  - 3. Swimsuit, tube tops, or halter-tops
  - 4. Spandex type pants or see-through clothing
  - 5. Distasteful printed slogans, buttons or pins
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the West Linn Police Department or the morale of the employees.

#### **1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, West Linn Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a

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department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the West Linn Police Department to do any of the following:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication; or any motion picture, film, video, public broadcast, or any website.

#### **1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property. (Policy Manual § 700)

#### **1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

West Linn Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

# Nepotism and Conflicting Relationships

## 1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between members of this Department.

### 1050.1.1 DEFINITIONS

**Relative** - An employee's parent, step-parent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Personal Relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Business Relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of Interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

## 1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position with grievance or complaint adjustment authority, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department however, reserves the right to transfer

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or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, FTO's and other trainers will not be assigned to train relatives. FTO's and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) In order to avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual(s) who they know or reasonably should know are under criminal investigation, convicted felons, parolees, fugitives, registered sex offenders or who engage in serious violations of state or federal laws.

#### 1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, employees shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances which would require the employee to take enforcement action or provide other official information or services to any relative or other individual(s) with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

#### 1050.2.2 SUPERVISOR RESPONSIBILITY

Upon being notified of or becoming aware of any circumstance(s) which could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

# Employee Involved Domestic Violence

## 1052.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement employees. This policy applies to incidents involving any law enforcement employee regardless of his/her employing agency or jurisdiction.

### 1052.1.1 POLICY

The West Linn Police Department has a zero tolerance policy for domestic violence whether committed by a citizen or an employee. Where incidents of domestic violence occur, the Department will act quickly to protect the victim, arrest the perpetrator and conduct appropriate criminal and/or administrative investigations.

### 1052.1.2 DEFINITIONS

**Domestic Violence, Abuse and Family Members** - are as defined in Policy Manual § 320.11.

**Employee** - means any person employed on a full-time or part-time basis by a law enforcement agency. It also includes any unpaid volunteer with enforcement authority, such as a reserve officer.

**Law Enforcement Agency** - means any federal, state, county, or local criminal justice agency employing persons having peace officer powers granted under authority of the Oregon Revised Statutes.

**Restraining Order** - Any court order restricting or prohibiting a person's contact with another person or persons, and/or restricting where and when a person may be at a location or time. Such an order may also result in restricting possession of firearms and ammunition. This includes, but is not limited to, restraining orders and protective orders.

## 1052.2 STATUTORY REQUIREMENTS

Pursuant to the Federal Domestic Violence Gun Control Act (18 USC §§921(a) and 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Additionally, any person convicted of a felony is prohibited from possessing a firearm (Oregon Revised Statutes 166.270).

Oregon and Federal law also prohibit firearm possession by any individual who is the subject of a domestic violence restraining order (this federal restriction does not apply to temporary restraining orders) (18 USC § 922(d)(8)) and Oregon Revised Statutes 107.718).

### 1052.2.1 REPORTING

Employees who are arrested for, or convicted of, any crime involving domestic violence, or who become the subject of a criminal investigation, or criminal or civil protective or restraining order related to domestic violence, regardless of jurisdiction, shall report that fact to their supervisor as required in Policy Manual §1010 at the earliest opportunity and provide notice of any scheduled court dates, times, appearances and proceedings.

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#### **1052.3 INCIDENT RESPONSE**

All department personnel shall accept, document in writing, and preserve all calls, reports, telephone and radio tapes, including those made anonymously, involving possible employee domestic violence as "on-the-record" information. The information shall be forwarded to the On-Duty Patrol Supervisor whom will document any actions taken and notify the appropriate Division Commander.

Upon arrival at the scene of a domestic violence incident involving any department employee as the suspect or victim, the handling officer shall immediately notify LOCOM and request a supervisor be sent to the scene. If there is a question about whether an incident falls under this policy a supervisor shall be requested.

##### **1052.3.1 ON-SCENE SUPERVISOR RESPONSE**

A supervisor shall, whenever possible, report to the scene of all domestic violence incidents that occur within this jurisdiction where an West Linn Police Department employee, or any other law enforcement agency employee, is identified as a suspect or victim, regardless of the involved individual's agency jurisdiction. All the provisions of the department Domestic Violence policy shall be followed (Policy Manual § 320).

- (a) The supervisor will ensure that a thorough investigation is conducted and all appropriate reports are forwarded to the District Attorney's Office.
- (b) Whenever a law enforcement employee domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made or a warrant was not sought. When feasible, a sworn supervisor from this department will respond to the location of any domestic violence incident involving an employee of the West Linn Police Department which occurs in another jurisdiction to assist the responding agency and to take custody of any department weapon(s) or other department equipment removed from the employee's possession.

##### **1052.3.2 ARREST OF A LAW ENFORCEMENT OFFICER**

- (a) Whenever a sworn employee of the West Linn Police Department is arrested, the supervisor shall relieve the accused of any department issued duty weapon(s).
- (b) The investigating officer or supervisor shall also request permission to take any other firearms on scene for safekeeping.
- (c) If the arrested employee is in uniform, he/she should be allowed to change to civilian clothes prior to transport to the jail, if feasible.
- (d) The transporting officer shall ensure that corrections personnel are notified of the person's employee status to ensure the safety of the employee while he/she is in custody.

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- (e) Employees who are arrested shall be placed on administrative leave pending the disposition of criminal and administrative investigations.

#### **1052.3.3 FIREARMS RESTRICTIONS**

Any officer who is arrested, becomes a defendant, or is the respondent of a restraining or protective order that restricts or prevents the officer from possessing firearms, will not be allowed to possess firearms on or off-duty as directed by the order. Officers will immediately ensure that all firearms are removed from their residences, department lockers and all other locations where they would have actual or constructive possession of such items.

Officers who are prohibited from possessing firearms may be placed on administrative leave or assigned to a position involving no contact with the public or access to firearms.

#### **1052.4 EMPLOYEE RESPONSIBILITY**

- (a) Employees are encouraged to seek confidential assistance from department or city resources (e.g., Employee Assistance Program), or other qualified individuals or entities, to prevent a problem from escalating to the level of criminal conduct against a family or household member.
- (b) Employees with definitive knowledge of abuse and/or violence involving fellow employees must report such information in a timely manner to their supervisor.
- (c) If an employee becomes aware of possible witness or victim intimidation/coercion, he/she shall prepare a written report and immediately deliver it to the investigator handling the case through the proper chain of command.
- (d) Employees may not engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow employees or intimidate witnesses.
- (e) No employee shall solicit or be afforded any privileges or special considerations.
- (f) Employees who fail to cooperate with the investigation of a law enforcement employee domestic violence case will be subject to investigation and applicable administrative sanction and/or criminal charges.
- (g) An employee who falsely reports that a victim of law enforcement involved domestic violence has committed a crime (such as child abuse or neglect) will be subject to applicable administrative sanction and/or criminal charges.
- (h) An employee who becomes aware of another employee having difficulties which might lead to domestic violence should encourage him/her to get assistance.

#### **1052.5 DEPARTMENT RESPONSIBILITIES**

- (a) Supervisors should be aware of on or off-duty behaviors that may be warning signs of domestic violence which may include, but are not be limited to:

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1. Stalking and inappropriate surveillance activities.
  2. Unusually high incidences of physical altercations, injuries, or verbal disputes.
  3. Alcohol and/or drug abuse.
  4. Increase in controlling behaviors.
  5. Citizen or fellow employee complaints of aggression.
  6. Inappropriate aggression toward animals.
- (b) The Department, either in response to observed warning signs or at the request of an employee and/or their family or household member, shall provide non-punitive avenues of assistance to department members, their partners, and other family members as long as there is no probable cause to believe a crime has been committed.
- (c) Confidential referrals to counseling services in collaboration with existing community services that have specific expertise in domestic violence, including the department chaplain, will be made available to employees.
- (d) Employees who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality within the department. The report of such criminal conduct will be treated as an admission of a crime and shall be investigated both criminally and administratively.
- (e) The Department will make annual checks of every member's criminal history records, including but not limited to CCH, to determine if there are any entries for domestic violence arrests, convictions or restraining orders. Any such records found will be forwarded to the Chief of Police.
- (f) Any Department employee convicted of a domestic violence crime or found to have committed an act of domestic violence through an internal investigation may be subject to referrals, change in assignment and/or discipline up to and including termination.

#### **1052.6 TRAINING**

The Department will provide training to employees regarding domestic violence and this policy and will collaborate with local and state agencies dealing with domestic violence in designing curriculum and providing training.



## Department Badges

### 1054.1 PURPOSE AND SCOPE

The West Linn Police Department badge and uniform patch as well as the likeness of these items and the name of the West Linn Police Department are property of the Department and their use shall be restricted as set forth in this policy.

### 1054.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 1054.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the West Linn Police Department with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

#### 1054.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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### **1054.2.3 RETIREE UNIFORM BADGE**

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

### **1054.2.4 RESIGNING OFFICER UNIFORM BADGE**

A resigning officer, currently in good standing, may purchase his/her assigned duty badge for display purposes with the written approval of the Chief of Police. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

### **1054.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### **1054.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the West Linn Police Department. The following modifications shall be included
  1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  2. The badge number portion displays the initials of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

## Modified Duty Assignments

### 1056.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

### 1056.2 DEFINITIONS

**Modified Duty** - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

### 1056.3 LIMITATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

- (a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
- (b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.
- (c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.

### 1056.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Division

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Commander or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Division Commander will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Shift Supervisor or Division Commander. Assignments of longer duration are subject to the approval of the Chief of Police or his/her designee.

#### 1056.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

#### 1056.4.2 ACCOUNTABILITY

The employee's supervisors shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment memorandum.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Division Commander.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander and complete and process a change of shift/assignment memorandum. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

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#### **1056.4.3 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

#### **1056.5 PREGNANCY**

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

##### **1056.5.1 EMPLOYEE NOTIFICATION**

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

##### **1056.5.2 SUPERVISOR'S RESPONSIBILITY**

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules and Regulations regarding Family and Medical Care Leave.

#### **1056.6 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

#### **1056.7 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

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# Employee Speech, Expression and Social Networking

## 1060.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1060.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## 1060.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the West Linn Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1060.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the West Linn Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates.

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Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

#### **1060.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the department's safety, performance and public-trust needs, the following is prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the West Linn Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the West Linn Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the West Linn Police Department or its employees.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the West Linn Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (or any other act that would constitute a misuse of public information in violation of ORS 162.425).
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches,

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marked vehicles, equipment or other material that specifically identifies the West Linn Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
  - 1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
  - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1060.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the West Linn Police Department or identify themselves in any way that could be reasonably perceived as representing the West Linn Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the West Linn Police Department.

A notice of restrictions on political activities by employees will be posted and maintained by the Department in a place that is conspicuous to all employees as required by law (ORS 260.432).

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect



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the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

#### **1060.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through department computers or networks.

#### **1060.6 TRAINING**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

# Officer Wellness Program

## 1061.1 SECTION TITLE PURPOSE AND SCOPE

The West Linn Police Department places great value on the wellness of its members, with specific priority on the wellness of Police Officers. The department has established an Officer Wellness Program that is intended to provide for the physical, mental, psychological and spiritual well-being of its members. The program is intended to insure that all members of the department experience a successful career and family life, and are rewarded with a chance to enjoy retirement.

The program will focus on preventing, reducing and/or mitigating the job-related, and life-related stress that employees often face and have an adverse impact on the employee's efficiency and effectiveness. Many of these stressors are unique to the law enforcement profession and if not addressed may lead to stress related illness and other health issues, as well as post-traumatic-stress.

## 1061.2 PROGRAM COMPONENTS

The West Linn Police Department Wellness Program will include, but may not be limited to the following components;

- \* Peer Support Team (policy 1062)
- \* Chaplain Program
- \* Employee Assistance Program (provided by the City of West Linn)
- \* Fitness for Duty (Policy 1032)
- \* Annual Resiliency training to be conducted department wide

## 1061.3 PROGRAM OVERSIGHT

The Officer Wellness Program will fall under the direction of the Investigations Captain. The Investigations Captain will insure all components of the program are appropriately managed, supervised and operate in accordance with best practices as established by current industry standards.

# PEER SUPPORT

## 1062.1 PURPOSE AND SCOPE

The West Linn Police Department has established a Peer Support Team that utilizes trained department members that offer assistance and appropriate support resources to other department employees who experience professional and/or personal problems that adversely affect their work performance, their family units or themselves. Peer Support is intended to effectively provide routine support, crisis intervention, respond to critical incidents or, when necessary, referrals to the appropriate counseling or other assistance programs. These interventions are designed to improve life and health outcomes, mitigating stress responses and maladaptive coping strategies. Participation in the Peer Support Program is voluntary, and all conversations are confidential except as designated by ORS 181A.835.

## 1062.2 DEFINITIONS

**Peer Support Program** - A team of voluntary and designated sworn and/or non-sworn department employees trained to respond to critical incidents or provide support for personal crisis. This group will utilize additional resources as necessary; other department chaplain(s), local clergy, Responder Life and mental health professionals, etc.

**Peer Support** - Peer Support is a confidential meeting between a trained Peer Team member and a department member who asks for, or is referred to the team for one-on-one intervention.

**Confidentiality** - Statements or comments made in a Peer Support environment, are protected conversations under ORS 181A.835. Statements made shall not be discussed with anyone outside the Peer Support environment, unless there is imminent danger to others or self, child or elder abuse, or criminal activity is revealed. Statements or comments made to a licensed chaplain, are protected conversations under ORS 40.260 Clergy/Penitent Privilege.

**Critical Incident** \_ Any situation faced by department personnel that may cause an employee to experience unusually strong emotional or physical reactions which have the potential to interfere with the employee's ability to function properly at work or off-duty. Critical Incidents may involve; line of duty deaths or injury, suicide of co-workers, mass casualty incidents, officer involved shootings or significant events involving children.

**Crisis** - A set of personal or professional circumstances that adversely impact the emotional health of a Department employee, an employee's family member, or work group. A crisis may be a result of an employee or an employee's family member being involved in a critical incident; substance abuse; or marital, relationship, health, family, financial, employment, cumulative effect, or other personal problems.

## PEER SUPPORT

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**Defusing** - A confidential (ORS 181A.835), group meeting held within eight (8) hours after the critical incident for the purpose of 'defusing' a critical event and provide an update or status report, briefly discussing acute stress and the methods to reduce its effects. The defusing does not necessarily eliminate the need for a Critical Incident Stress Debriefing. Defusing's are conducted by trained peers, a trained chaplain, or a mental health professional trained in Critical Incident Stress Management. Attendance is mandatory but participation is voluntary.

**Demobilization or Rest, Information and Transition (RITS)** - Only used after a large-scale incident, and lasting no longer than 30 minutes. Emergency personnel need to rest, have something to eat and meet with Peer Team members prior to returning to duty or to home. The purpose is to decompress before moving to the next assignment, provide practical suggestions for stress management and offer an avenue to those suffering critical incident stress effects.

**Debriefing** - A confidential (ORS 181A.835), structured group meeting with a mental health professional attending. They are conducted by trained peers, Responder Life Peer Support Liaison, a chaplain or the mental health professional. Debriefings are usually held within 48 to 72 hours after the incident and are restricted to only the people exposed to the incident. A debriefing is primarily educational in that its goal is to provide information regarding critical incident stress and potential stress related symptoms, as well as methods to manage these symptoms. This education may lead to a non-evaluative discussion of reactions and feelings of personnel resulting from the incident. It serves to mitigate the stress impact resulting from exposure to a critical incident.

### 1062.3 PROGRAM DESIGN

This program is designed to:

- \* Provide emotional support during and after times of personal or professional crisis to employees who express a need for assistance.
- \* Promote trust, allow appropriate anonymity, and preserve confidentiality for persons using Team members within the guidelines of the program.
- \* Develop Team members who can identify personal crises or conflicts and provide guidance or referral to professional or alternate resources when required.
- \* Maintain an effective peer support training and response program.
- \* Support employees who have experienced personal tragedies.
- \* Check on the status of employees who are experiencing serious illnesses or injuries and provide support where desired or needed.
- \* Provide training and education on mitigating the effects of stress and critical incidents on one's ability to function on the job, or in one's personal life. This training is provided by

# West Linn Police Department

## West Linn PD Policy Manual

### PEER SUPPORT

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Responder Life.

#### 1062.3.1 DUTIES AND RESPONSIBILITIES OF TEAM MEMBERS

- \* Complete Responder Life Peer Support Training.
- \* If selected for the Critical Incident Stress Management (CISM) team, complete CISM Group and Individual Crisis Response Training.
- \* To sign and abide by "Confidentiality Agreement" upon selection to the team and each year thereafter. See Appendix A for Confidentiality Agreement (included in the handbook).
- \* If on the CISM team, be available to respond to critical incidents and participate in Rest, Information, and Transition (RITS), Crisis Management Debriefing (CMB), Defusing, or Critical Stress Debriefing (CISD) as needed.
- \* Intervene on any expressed suicidal or homicidal ideation according to the handbook and training guidelines.
- \* Agree to be contacted and, if practical, respond at any hour.
- \* Make necessary reports of any disclosed criminal conduct, per agency policy (Law Enforcement).
- \* Make necessary reports of any disclosed child or elder abuse, per agency policy.
- \* Complete and return monthly peer support contact forms See Appendix C for this form.
- \* Participate in an annual review.

#### 1062.3.2 PROGRAM MANAGEMENT

The overall management of the Team will come from the Peer Team Coordinator who will insure the program is being managed by the Peer Support Advisory Board in accordance with the goals and objectives established for the program.

#### 1062.3.3 SUPERVISOR DUTIES

Duties of the Peer Team Coordinator include but are not limited to:

- \* Supervising the program on a daily basis.

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### *PEER SUPPORT*

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- \* Managing recruitment and screening of program applicants with support from the Responder Life Peer Support Liaison.
- \* Coordinating training of team members with support from the Responder Life Peer Support Liaison.
- \* Developing resources to assist individuals when problem areas are identified with support from the Responder Life Peer Support Liaison.
- \* Offering guidance to Team members when necessary.
- \* Coordinating follow-up response of team members when referrals are made to outside resources.
- \* To review policy changes and submit changes to the Peer Support Advisory Board for review.
- \* With support from the Responder Life Peer Support Liaison, insure that all employees are aware of the program through briefings, written collateral, or other literature about the program.
- \* With support from the Responder Life Peer Support Liaison, respond to all critical incidents to insure Peer Support Team Members are deployed as needed.
- \* With support from the Responder Life Peer Support Coordinator, coordinate responses to critical incidents with Rest, Information, and Transition (RITS), Crisis Management Debriefing (CMB), Defusing, or Critical Incident Stress Debriefing (CISD) as needed.
- \* With support from the Responder Life Peer Support Liaison, coordinate peer support reporting and tracking, Peer Support Advisory Board Meetings, annual policy and program reviews, and annual Peer Support Team Member reviews.

#### 1062.3.4 MEMBERSHIP

Membership to the Team will be an assignment made by the Chief of Police, or his designee, and the Peer Team Coordinator.

- \* The Team will be made up of employees of the West Linn Police Department and a Chaplain will serve as a part of the Peer Support Program and the Peer Support Advisory Board.

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- \* In addition, administrative staff may be attached to the team to assist the Peer Team Coordinator in administering the program.
- \* When a vacancy occurs on the team, the Peer Support Advisory Board will review and select a new Team member. In addition, Peer Team members will be reviewed on an annual basis. The size of the peer team will also be evaluated and Team members will be onboarded or removed as needed.
- \* A Mental Health professional trained in Critical Incident Stress Management, will be retained for the West Linn Police Department's behalf by Responder Life.

#### 1062.3.5 TEAM TRAINING

It is the responsibility of the Peer Team Coordinator to insure that all team members receive competent and up to date training.

- \* Quarterly trainings will be held providing ongoing training on Peer Support related topics.
- \* Initial training by Responder Life meets the industry standard for peer support training for Emergency Service and Public Safety personnel in accordance with ORS 181A.835.
- \* Team members must attend a minimum of two trainings per year.
- \* Any Team member not meeting the minimum standard for Peer Team training will be placed on inactive status until required training has been completed.

#### 1062.3.6 CONFIDENTIALITY

The acceptance and overall success of the Peer Support Team will be determined, at least in part, by observance of confidentiality. It is imperative that each member maintain strict confidentiality of all information learned from an individual within the guidelines of ORS 181A.835.

Communications between a Team member and department personnel shall remain confidential within the Peer Support Team except for those communications identified in ORS 181A.835 which include:

- \* A threat of suicide or homicide by a participant in a Peer Support

## *PEER SUPPORT*

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counseling session.

- \* Any information relating to the abuse of children or of the elderly, or other information that is required to be reported by law.
- \* Any admission of criminal conduct.

It is critical that all Team members become well versed in all aspects of ORS 181A.835. Peer Support Team members will inform the participant, prior to discussion, of the limitations and exceptions regarding the information revealed. In those cases where any question arises regarding confidentiality, Team members should immediately contact the Peer Team Coordinator or their designee who will advise on the appropriate action to be taken.

### **1062.4 INTERNAL INVESTIGATIONS**

It may occur that a Team member is called to assist an individual who is or becomes the subject of an internal investigation. The guidelines of ORS 181A.835 must be followed in this circumstance. The role of Team members in internal investigative circumstances should be one of support and assisting individuals through the stress they may face during the disciplinary process. If Team members have questions or concerns regarding these situations, they should consult with the Peer Team Coordinator.

### **1062.5 CRITICAL INCIDENTS**

Tragedies, deaths, serious injuries, hostage situations, or threatening situations are examples of critical incidents which may overwhelm normal coping mechanisms, possibly causing unusually strong emotional reactions. These reactions have the potential of interfering with an individual's ability to function at a particular scene or at a later time and may lead to traumatic stress. A critical incident may affect an entire responding group, a few people, or only a single individual. The following are examples of critical incidents that may require a Peer Support Team response:

- \* Death of a co-worker.
- \* Mass casualty events.
- \* Death or major injury to a child.
- \* Death after prolonged rescue attempts.
- \* Victim reminding one of another.
- \* Any highly dangerous events.
- \* Police personnel causing death or injury to another.



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### 1062.5.1 RESPONSES TO A CRITICAL INCIDENT

**Defusing** - A confidential (ORS 181A.835), group meeting held within eight (8) hours after the critical incident for the purpose of 'defusing' a critical event and provide an update or status report, briefly discussing acute stress and the methods to reduce its effects. The defusing does not necessarily eliminate the need for a Critical Incident Stress Debriefing. Defusing's are conducted by trained peers, a trained chaplain, or a mental health professional trained in Critical Incident Stress Management. Attendance is mandatory but participation is voluntary.

**Demobilization or Rest, Information and Transition (RITS)** - Only used after a large-scale incident, and lasting no longer than 30 minutes. Emergency personnel need to rest, have something to eat and meet with Peer Team members prior to returning to duty or to home. The purpose is to decompress before moving to the next assignment, provide practical suggestions for stress management and offer an avenue to those suffering critical incident stress effects.

**Debriefing** - A confidential (ORS 181A.835), structured group meeting with a mental health professional attending. They are conducted by trained peers, Responder Life Peer Support Liaison, a chaplain or the mental health professional. Debriefings are usually held within 48 to 72 hours after the incident and are restricted to only the people exposed to the incident. A debriefing is primarily educational in that its goal is to provide information regarding critical incident stress and potential stress related symptoms, as well as methods to manage these symptoms. This education may lead to a non-evaluative discussion of reactions and feelings of personnel resulting from the incident. It serves to mitigate the stress impact resulting from exposure to a critical incident.

The Peer Support member's actions and/or critical incident debriefings will not interfere with any administrative or criminal investigation. It is not the purpose of peer support to discuss anything that would jeopardize an investigation, cause an employee to be disciplined, or cause an employee to admit deliberate violations of the policies or procedures of the West Linn Police Department.

Uninvolved Peer Support Team Members, working with an involved peer, should attend to support their peer and assist in looking for signs of acute stress among the other attendees.

If a Peer Support Team Member is involved in the incident, they should attend but not conduct the Debriefing.

Personnel should be aware that even if they choose to say nothing during a debriefing, their attendance may help a fellow employee. Attending the debriefing is mandatory but participation is voluntary.

Management and other personnel, not directly involved with the incident, will not be involved in the Debrief activities. However, if Command/Management personnel were directly involved in, or witnessed the incident they will be permitted to attend the Debrief. Any questions regarding attendance will be answered by the Chief. Attendance of command staff to a debriefing is to be determined by group participants (i.e., not command staff) if there is a dispute or question it should

### *PEER SUPPORT*

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be answered by the mental health professional. In order to keep debriefings emotionally safe the participants must be allowed to choose if the people they report to will participate. If command staff were directly involved in the critical incident they would be invited to participate unless there were strong feelings by the participants.

#### **1062.5.2 GUIDELINES FOR CRITICAL INCIDENT DEBRIEFINGS**

- \* Strive to be held within 48 to 72 hours after an incident.
- \* What is shared in the Debriefing is privileged and shall be confidential.
- \* Restricted to people exposed to the incident, Peer Support Team members assigned to individuals, Peer Support Coordinator, Responder Life Liaison, Department Chaplain, and Mental Health Professional.
- \* A Debriefing is not a tactical review of the incident. Tactical critiquing should be discouraged during the Critical Incident Debriefing.
- \* Designed to be useful for all involved personnel, including those who do not feel impacted by the incident. More experienced or resilient personnel should be encouraged to attend in order to provide support and encouragement to fellow officers. It is recommended for Debriefings to be held at an off-site location.
- \* It is important to remember involved personnel includes more than just those on the scene. Dispatchers and other non-sworn staff members may be involved and impacted.

#### **1062.6 ACTIVATION OF PEER SUPPORT TEAM PROCEDURE**

- \* The Peer Support Team should be called out when the supervisor on scene requests them to be deployed.
- \* The initiating employee shall contact the Peer Support Coordinator providing as much information as is available and necessary to make a determination on activation. If the Peer Support Coordinator is unavailable, contact the Responder Life Peer Support Liaison.
- \* Individual Team members may initiate contact with an employee who is showing signs of crisis or personal internal conflict. Such contact shall be

# West Linn Police Department

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## *PEER SUPPORT*

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kept confidential per ORS 181A.835.

- \* Any outside agency requesting the services of the Peer Support Team shall be put in touch with the Peer Support Coordinator or the Responder Life Peer Support Liaison. After consulting with the requesting agency, the Peer Support Coordinator shall either grant or deny the request.

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## Attachments

**PMIPA3.jpg**

**PMIPA1.jpg**

# PORTLAND METROPOLITAN INTERAGENCY PURSUIT AGREEMENT

## I. PURPOSE:

The purpose of this agreement is to identify expected behavior and guidelines for interagency vehicle pursuits.

## II. GOALS:

1. Develop procedures and identify role expectations for vehicle pursuits which enter another jurisdiction.
2. Better manage interagency vehicle pursuits.
3. Reduce the risk of injury to officers, citizens and minimize damage to property.
4. Reduce confusion and increase communication between jurisdictions.

## III. DEFINITIONS:

Barricade: The intentional blocking of a roadway, by any means, to stop a vehicle being pursued.

Boxing In: The placement of a police vehicle into the path or potential path of a vehicle with the intent of slowing or stopping the vehicle or keeping the vehicle stopped.

Pursuit: Initiated by a police officer after a driver knowingly fails to stop when signaled to do so by a police officer using emergency lights and/or siren.

Ramming (Deliberate): Using a police vehicle to purposely cause forceful contact with another vehicle in order to bring that vehicle to a stop.

Tire Deflation Device: A strip of belting containing specially designed hollow spikes that penetrate tires, thereby slowly deflating the tire(s) at a controlled rate of deflation.

PIT (Pursuit Intervention Tactic): The intentional contact between a police vehicle and the suspect vehicle to cause the suspect vehicle to spin and end the pursuit.

## IV. POLICY:

It is the policy of this interagency agreement to compliment individual department pursuit policies. Participating agencies endeavor to support this agreement with their individual pursuit policies.

**PMIPA5.jpg**



**PMIPA2.jpg**

**PMIPA4.jpg**

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